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SALUS POPULI SUPREMA LEX ESTO

“The welfare of the people shall be the supreme law.”



ROBIN CARNAHAN
SECRETARY OF STATE

MISSOURI
REGISTER

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Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at <http://www.sos.mo.gov/adrules/pubsched.asp>

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RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	Code of State Regulations	Division	Chapter	Rule
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

Rules appearing under this heading are filed under the authority granted by section 536.025, RSMo 2000. An emergency rule may be adopted by an agency if the agency finds that an immediate danger to the public health, safety, or welfare, or a compelling governmental interest requires emergency action; follows procedures best calculated to assure fairness to all interested persons and parties under the circumstances; follows procedures which comply with the protections extended by the *Missouri* and the *United States Constitutions*; limits the scope of such rule to the circumstances creating an emergency and requiring emergency procedure, and at the time of or prior to the adoption of such rule files with the secretary of state the text of the rule together with the specific facts, reasons, and findings which support its conclusion that there is an immediate danger to the public health, safety, or welfare which can be met only through the adoption of such rule and its reasons for concluding that the procedure employed is fair to all interested persons and parties under the circumstances.

Rules filed as emergency rules may be effective not less than ten (10) days after filing or at such later date as may be specified in the rule and may be terminated at any time by the state agency by filing an order with the secretary of state fixing the date of such termination, which order shall be published by the secretary of state in the *Missouri Register* as soon as practicable.

All emergency rules must state the period during which they are in effect, and in no case can they be in effect more than one hundred eighty (180) calendar days or thirty (30) legislative days, whichever period is longer. Emergency rules are not renewable, although an agency may at any time adopt an identical rule under the normal rulemaking procedures.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 10—Director, Department of Mental Health Chapter 5—General Program Procedures

EMERGENCY RULE

9 CSR 10-5.240 Health Home

PURPOSE: *This rule prescribes a Health Home as an alternative approach to the delivery of health care services that promises better experience and better results than traditional care. This rule also establishes the payment methodology for those Community Mental Health Centers (CMHCs) participating as a Health Home.*

EMERGENCY STATEMENT: *On October 20, 2011, Missouri received approval from the Centers for Medicare and Medicaid Services (CMS) to operate Health Homes as an alternative approach to the delivery of health care services that promises better experience and better results than traditional care. This approved state plan rule is effective January 1, 2012. This rule establishes how behavioral health providers will be able to better integrate their practices with primary health care, do more outreach and care coordination with hospitals and primary care clinics, and try to reduce the number of unnecessary emergency room visits. It also establishes the payment methodology for Community Mental Health Centers (CMHCs) participating as Health Homes. This rule also provides for a financial incentive to the state as there is an enhanced federal match of ninety percent (90%) for eight (8) quarters to provide Health Home services to per-*

*sons with chronic illnesses. Without an emergency rule the state will not be able to collect the enhanced federal match for all eight (8) quarters nor proceed with this alternative approach to the delivery of health care services January 1, 2012. The Department of Mental Health finds that this emergency rule is necessary to preserve a compelling governmental interest, to enhance federal matching funds, and to promote public health, safety, and/or welfare through the coordination of behavioral and physical health care. A proposed rule, which covers the same material, was published in the November 15, 2011, *Missouri Register* (36 MoReg 2369-2373). The scope of this emergency rule is limited to the circumstances creating the emergency and complies with the protections extended in the *Missouri* and *United States Constitutions*. This rule was developed with involvement of representatives from the Department of Mental Health, the Department of Social Services, Missouri Primary Care Association, the Missouri Coalition of Community Mental Health Centers, along with various other stakeholders. Therefore, the Missouri Department of Mental Health believes that this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 20, 2011, becomes effective January 1, 2012, and expires June 28, 2012.*

(1) Definitions.

(A) Community Mental Health Centers (CMHC)—An agency and its approved designee(s) authorized by the Division of Comprehensive Psychiatric Services (CPS) as an entry and exit point into the state mental health service delivery system for a geographic service area defined by the division.

(B) Department—Missouri Department of Mental Health (DMH).

(C) Electronic Medical Record (EMR) (also referred to as Electronic Health Records (EHR))—An electronic version of a patient's medical history that is maintained by the provider over time and may include all of the key administrative clinical data relevant to that person's care under a particular provider, including demographics, progress notes, problems, medications, vital signs, past medical history, immunizations, laboratory data, and radiology reports. The EMR automates access to information and has the potential to streamline the clinician's workflow. The EMR also has the ability to support other care-related activities directly or indirectly through various interfaces, including evidence-based decision support, quality management, and outcomes reporting.

(D) Health Home (also referred to as Health Care Home)—A site that provides comprehensive primary physical and behavioral health care to Medicaid patients with chronic physical and/or behavioral health conditions, using a partnership or team approach between the Health Home practice's/site's health care staff and patients in order to achieve improved primary care and to avoid hospitalization or emergency room use for conditions treatable by the Health Home.

(E) Learning Collaborative—Group training sessions that CMHCs must attend if they are chosen to participate in the Missouri Medicaid Community Mental Health Center Health Home program.

(F) MO HealthNet Division (MHD)—The Missouri Medicaid agency.

(G) Needy individuals—Individuals receiving medical assistance from Medicaid or the Children's Health Insurance Program (CHIP), or are furnished uncompensated care by the provider or furnished services at either no cost or reduced cost based on a sliding scale.

(2) Health Home Qualifications.

(A) Initial Provider Qualifications. In order to be recognized as a Health Home, a CMHC must, at a minimum, meet the following criteria:

1. Have a substantial percentage of its patients enrolled in Medicaid, with special consideration given to those with a considerable volume of needy individuals;
2. Have strong, engaged leadership personally committed to and

capable of leading the practice through the transformation process and sustaining transformed practice processes as demonstrated through the application process and agreement to participate in learning activities; and that agency leadership have presented the state approved "Paving the Way for Health Homes" PowerPoint introduction to Missouri's Health Home Initiative to all agency staff;

3. Meet the state's minimum access requirements. Prior to implementation of Health Home service coverage, provide assurance of enhanced patient access to the health team, including the development of alternatives to face-to-face visits, such as telephone or email, twenty-four (24) hours per day, seven (7) days per week;

4. Actively use MHD's comprehensive EHR to conduct care coordination and prescription monitoring for Medicaid participants;

5. Utilize an interoperable patient registry to input annual metabolic screening results, track and measure care of individuals, automate care reminders, and produce exception reports for care planning;

6. Routinely use a behavioral pharmacy management system to determine problematic prescribing patterns;

7. Conduct wellness interventions as indicated based on client's level of risk;

8. Complete status reports to document client's housing, legal, employment status, education, custody, etc.;

9. Agree to convene regular, ongoing and documented internal Health Home team meetings to plan and implement goals and objectives of practice transformation;

10. Agree to participate in the Centers for Medicare and Medicaid Services (CMS) and state-required evaluation activities;

11. Agree to develop required reports describing CMHC Health Home activities, efforts, and progress in implementing Health Home services;

12. Maintain compliance with all of the terms and conditions as a CMHC Health Home provider or face termination as a provider of CMHC Health Home services; and

13. Present a proposed Health Home delivery model that the state determines to have a reasonable likelihood of being cost effective. Cost effectiveness will be determined based on the size of the Health Home, Medicaid caseload, percentage of caseload with eligible chronic conditions of patients, and other factors to be determined by the state.

(B) Ongoing Provider Qualifications. Each CMHC must also—

1. Within three (3) months of Health Home service implementation, have developed a contract or Memorandum of Understanding (MOU) with regional hospital(s) or system(s) to ensure a formalized structure for transitional care planning, to include communication of inpatient admissions of Health Home participants, as well as maintain a mutual awareness and collaboration to identify individuals seeking emergency department (ED) services that might benefit from connection with a Health Home site, and in addition motivate hospital staff to notify the CMHC primary care nurse manager or staff of such opportunities;

2. Develop quality improvement plans to address gaps and opportunities for improvement identified during and after the application process;

3. Demonstrate continuing development of fundamental Health Home functionality at six (6) months and twelve (12) months through an assessment process to be determined by DMH;

4. Demonstrate improvement on clinical indicators specified by and reported to the state; and

5. Meet accreditation standards approved by the state as such standards are developed.

(3) Scope of Services. This section describes the activities CMHCs will be required to engage in and the responsibilities they will fulfill if recognized as a Health Home provider.

(A) Health Home Services. The Health Home Team shall assure that the following health services are received as necessary by all members of the Health Home:

1. Comprehensive Care Management. Comprehensive care management includes the following services:

A. Identification of high-risk individuals and use of client information to determine level of participation in care management services;

B. Assessment of preliminary service needs;

C. Development of treatment plans, including client goals, preferences, and optimal clinical outcomes;

D. Assignment of health team roles and responsibilities;

E. Development of treatment guidelines that establish clinical pathways for health teams to follow across risk levels or health conditions;

F. Monitoring of individual and population health status and service use to determine adherence to or variance from treatment guidelines; and

G. Development and dissemination of reports that indicate progress toward meeting outcomes for client satisfaction, health status, service delivery, and costs.

2. Care coordination. Care coordination consists of the implementation of the individualized treatment plan (with active client involvement) through appropriate linkages, referrals, coordination, and follow-up to needed services and supports, including referral and linkage to long-term services and supports. Specific care coordination activities include, but are not limited to: appointment scheduling, conducting referrals and follow-up monitoring, participating in hospital discharge processes, and communicating with other providers and clients/family members. Health Homes must conduct care coordination activities across the health team. The primary responsibility of the Nurse Care Manager is to ensure implementation of the treatment plan for achievement of clinical outcomes consistent with the needs and preferences of the client.

3. Health promotion services. Services shall minimally consist of providing health education specific to an individual's chronic conditions, development of self-management plans with the individual, education regarding the importance of immunizations and screening, child physical and emotional development, providing support for improving social networks, and providing health promoting lifestyle interventions, including, but not limited to: substance use prevention, smoking prevention and cessation, nutritional counseling, obesity reduction and prevention, and increasing physical activity. Health promotion services also assist clients to participate in the implementation of the treatment plan and place a strong emphasis on person-centered empowerment to understand and self-manage chronic health conditions.

4. Comprehensive transitional care. Members of the Health Team must provide care coordination services designed to streamline plans of care, reduce hospital admissions, ease the transition to long-term services and supports, and interrupt patterns of frequent hospital emergency department use. Members of the Health Team collaborate with physicians, nurses, social workers, discharge planners, pharmacists, and others to continue implementation of the treatment plan with a specific focus on increasing clients' and family members' ability to manage care and live safely in the community and shift the use of reactive care and treatment to proactive health promotion and self-management.

5. Individual and family support services. Services include, but are not limited to: advocating for individuals and families; assisting with, obtaining, and adhering to medications and other prescribed treatments. In addition, Health Team members are responsible for identifying resources for individuals to support them in attaining their highest level of health and functioning in their families and in the community, including transportation to medically necessary services. A primary focus will be increasing health literacy, ability to self-manage care, and facilitate participation in the ongoing revision of their care/treatment plan. For individuals with developmental disabilities (DD) the Health Team will refer to and coordinate with the approved DD case management entity for services more directly related to habilitation or a particular health care condition.

6. Referral to community and social support. Involves providing assistance for clients to obtain and maintain eligibility for health care, disability benefits, housing, personal need, and legal services, as examples. For individuals with DD, the Health Team will refer to and coordinate with the approved DD case management entity for this service.

(B) Health Home Staffing. Health Home providers will augment their current Community Psychiatric Rehabilitation (CPR) teams by adding a Health Home Director, Physician Leadership, and Nurse Care Managers to provide consultation as part of the Care Team and assist in delivering Health Home services. Clerical support staff will also be funded to assist with Health Home supporting functions.

(C) Learning Activities. CMHCs will be supported in transforming service delivery by participating in statewide learning activities. Given CMHCs' varying levels of experience with practice transformation approaches, the state will assess providers to determine learning needs. CMHCs will therefore participate in a variety of learning supports, up to and including learning collaborative, specifically designed to instruct CMHCs to operate as Health Homes and provide care using a whole person approach that integrates behavioral health, primary care, and other needed services and supports.

1. Learning activities will support providers of Health Home services in addressing the following components:

A. Provide quality-driven, cost-effective, culturally-appropriate, and person-and-family-centered Health Home services;

B. Coordinate and provide access to high-quality health care services informed by evidence-based clinical practice guidelines;

C. Coordinate and provide access to preventive and health promotion services, including prevention of mental illness and substance use disorders;

D. Coordinate and provide access to mental health and substance use services;

E. Coordinate and provide access to comprehensive care management, care coordination, and transitional care across settings;

F. Coordinate and provide access to chronic disease management, including self-management support to individuals and their families;

G. Coordinate and provide access to individual and family supports, including referral to community, social support, and recovery services;

H. Coordinate and provide access to long-term care supports and services;

I. Develop a person-centered care plan for each individual that coordinates and integrates all of his or her clinical and non-clinical health care related needs and services;

J. Demonstrate a capacity to use health information technology to link services, facilitate communication among team members and between the health team and individual and family caregivers, and provide feedback to practices, as feasible and appropriate; and

K. Establish a continuous quality improvement program and collect and report on data that permits an evaluation of increased coordination of care and chronic disease management on individual-level clinical outcomes, experience of care outcomes, and quality of care outcomes at the population level.

(D) Patient Registry. Health Homes shall utilize the DMH/Department of Social Services (DSS) provided EHR patient registry. A patient registry is a system for tracking information that DMH/DSS deems critical to the management of the health of a Health Home's patient population, including dates of delivered and needed services, laboratory values needed to track chronic conditions, and other measures of health status. The registry shall be used for—

1. Patient tracking;

2. Patient risk stratification;

3. Analysis of patient population health status and individual patient needs; and

4. Reporting as specified by DMH.

(E) Data Reporting. CMHCs shall submit to DMH the following

reports, as further specified by DMH, within the time frames specified below:

1. Monthly update CMHC report that describes the CMHC's efforts and progress to implement Health Home; including identifying the CMHC leadership and Health Home staffing and providing updates on Health Home enrollment status; and

2. Other reports, as specified by DMH/DSS.

(F) Demonstrated Evidence of Health Home Transformation. CMHCs are required to demonstrate evidence of Health Home transformation on an ongoing basis using measures and standards established by DSS and DMH, and communicated to the CMHCs. Evidence of Health Home transformation includes:

1. Demonstrates development of fundamental health home functionality at six (6) months and twelve (12) months based on an assessment process to be determined by DMH; and

2. Demonstrates improvement on clinical indicators specified by and reported to DMH.

(G) Participation in Evaluation. CMHCs shall participate in an evaluation. Participation may entail responding to surveys and requests for interviews with CMHC staff and clients. CMHCs shall provide all requested information to the evaluator in a timely fashion.

(H) Notification of Staffing Changes. Practices are required to notify DMH within five (5) working days of staff changes in Health Home Director, Physician Leadership, Nurse Care Managers, and Clerical Support Staff.

(4) Patient Eligibility and Enrollment.

(A) Medicaid beneficiaries eligible for Health Home services from recognized CMHC Health Home service providers must meet one (1) of the following criteria:

1. Diagnosed with a serious and persistent mental health condition (adults with Seriously Mentally Ill (SMI) and children with Serious Emotional Disturbance (SED)); or

2. Diagnosed with a mental health condition and substance use disorder; or

3. Diagnosed with a mental health condition and/or substance use disorder, and one (1) other chronic condition (diabetes, chronic obstructive pulmonary disease (COPD), cardiovascular disease, overweight (body mass index (BMI) > 25), tobacco use, and developmental disability).

(B) Individuals eligible for Health Home services and identified by the state as being an existing service user of a Health Home will be auto-assigned to eligible providers based on qualifying conditions. Individuals will be attributed to the CMHC using a standard patient attribution algorithm adopted by DMH/DSS.

(C) After being assigned to a Health Home, participants will be granted the option to change their Health Home if desired. A participant assigned to a Health Home will be notified by DMH of all available Health Homes sites throughout the state. The notice will—

1. Describe the participant's choice in selecting a new Health Home;

2. Provide a brief description of Health Home services; and

3. Describe the process for the participant to decline receiving Health Home services from the assigned Health Home provider.

(D) Potentially eligible individuals receiving services in the hospital emergency department or as an inpatient will be notified about eligible Health Homes and referred based on their choice of provider. Eligibility for Health Home services will be identifiable through the state's comprehensive Medicaid electronic health record.

(E) Health Home providers to which patients have been auto-assigned will receive communication from the state regarding a patient's enrollment in Health Home services. The Health Home will notify other treatment providers about the goals and types of Health Home services as well as encourage participation in care coordination efforts.

(5) Health Home Payment Components.

(A) General.

1. All Health Home payments to a practice site are contingent on the site meeting the Health Home requirements set forth in this rule. Failure to meet these requirements is grounds for revocation of a site's Health Home status and termination of payments specified within this rule.

2. Health Home reimbursement will be in addition to a provider's existing reimbursement for services and procedures and will not change existing reimbursement for a provider's non-Health Home services and procedures.

3. DMH/DSS reserves the right to make changes to the payment methodology after consultation with recognized Health Homes and receipt of required federal approvals.

(B) Types of Payments.

1. Clinical Care Management Per Member Per Month (PMPM). PMPM reimburses for cost of staff primarily responsible for delivery of Health Home services not covered by other reimbursement and whose duties are not reimbursable otherwise by Medicaid.

AUTHORITY: section 630.050, RSMo 2000. Original rule filed Oct. 17, 2011. Emergency rule filed Dec. 20, 2011, effective Jan. 1, 2012, expires June 28, 2012.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 200—Insurance Solvency and Company
Regulation**

Chapter 18—Service Contracts

EMERGENCY RULE

**20 CSR 200-18.030 Licensure of Motor Vehicle Extended Service
Contract Producers**

PURPOSE: This rule effectuates and aids in the interpretation of section 385.207, RSMo, by setting the fees for motor vehicle extended service contract producer license applications.

*EMERGENCY STATEMENT: This emergency rule is necessary to implement section 385.207, RSMo, a newly enacted statute providing for motor vehicle extended service contract producer licensure. This emergency rule is necessary to protect the public and to preserve a compelling governmental interest, in that section 385.207, RSMo, effective January 1, 2012, protects the public by subjecting motor vehicle extended service contract producers to greater regulatory oversight by requiring a license issued by the department before selling, offering, negotiating, or offering motor vehicle extended service contracts for sale to the public. The licensure scheme of which section 385.207, RSMo, is a part was enacted to curb widespread abuse of consumers by marketers of motor vehicle extended service contracts. The new statute is effective January 1, 2012, and the department accordingly must set the fees for the application so that applications can be processed. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. In October 2011, the department distributed a draft of the emergency rule, including the application fee amounts contained in this text, to motor vehicle extended service contract industry representatives, including the Vehicle Protection Agency and the Service Contract Industry Council. The department did not receive any comments objecting to the amounts. The Department of Insurance, Financial Institutions and Professional Registration believes this emergency rule is fair to all interested persons and parties under the circumstances. This*

emergency rule was filed December 29, 2011, becomes effective January 9, 2012, and expires July 6, 2012.

(1) Application and Fees. Application for a motor vehicle extended service contract producer license shall include the following, as applicable:

(A) Initial Licensure.

1. Individual motor vehicle extended service contract producer.

A. A completed application form, as prescribed by the director.

B. Twenty-five dollar (\$25)-application fee.

2. Business entity motor vehicle extended service contract producer.

A. A completed application form, as prescribed by the director.

B. One hundred dollar (\$100)-application fee.

*AUTHORITY: sections 374.045, 385.207, and 385.218, RSMo Supp. 2011. Emergency rule filed Dec. 29, 2011, effective Jan. 9, 2012, expires July 6, 2012. A proposed rule covering this same material is published in this issue of the *Missouri Register*.*

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

EMERGENCY RULE

**20 CSR 700-1.160 Licensing and Authorization of Portable
Electronics Insurance Producers and Related Entities**

PURPOSE: This rule effectuates and aids in the interpretation of sections 379.1500 to 379.1550, RSMo, by setting fees for initial applications.

*EMERGENCY STATEMENT: This emergency rule is necessary to implement new statutes providing for portable electronics insurance producer licensure. This emergency rule is necessary to preserve a compelling governmental interest, in that the new statutes are effective January 1, 2012, and the department accordingly must set application fees, in order to process applications. A proposed rule, which covers the same material, is published in this issue of the *Missouri Register*. The scope of this emergency rule is limited to circumstances creating the emergency and complies with the protections extended in the *Missouri and United States Constitutions*. The Department of Insurance, Financial Institutions and Professional Registration believes this emergency rule is fair to all interested persons and parties under the circumstances. This emergency rule was filed December 29, 2011, becomes effective January 9, 2012, and expires July 6, 2012.*

(1) Application and Fees. Application for a portable electronics insurance license shall include the following, as applicable:

(A) Initial Licensure.

1. Vendor with ten (10) or fewer locations.

A. A completed application form, as prescribed by the director.

B. One hundred dollar (\$100)-application fee.

C. Notice that each location authorized to sell, solicit, or negotiate portable electronics insurance has the brochures and actual policies or certificates of coverage required under section 379.1510, RSMo.

2. Vendor with more than ten (10) locations.

A. A completed application form, as prescribed by the director.

B. One thousand dollar (\$1,000)-application fee.

C. Notice that each location authorized to sell, solicit, or negotiate portable electronics insurance has the brochures and actual policies or certificates of coverage required under section 379.1510, RSMo.

*AUTHORITY: sections 379.1550 and 374.045, RSMo Supp. 2011. Emergency rule filed Dec. 29, 2011, effective Jan. 9, 2012, expires July 6, 2012. A proposed rule covering this same material is published in this issue of the **Missouri Register**.*

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbolology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment, or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register*. If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:

Boldface text indicates new matter.

[Bracketed text indicates matter being deleted.]

Title 11—DEPARTMENT OF PUBLIC SAFETY
[Division 10—Adjutant General]
Division 30—Office of the Director
Chapter [12] 13—911 Training and Standards Act

PROPOSED AMENDMENT

[11 CSR 10-12.010] 11 CSR 30-13.010 General Organization. The department is moving the rule and amending the purpose statement.

PURPOSE: This amendment moves the rule from the Adjutant General to the Office of the Director and removes the reference to the department in the purpose statement because that language is no longer necessary with the rule moving to the Office of the Director.

PURPOSE: This rule provides for the organization, administration, and methods of operation of a program of certification for telecom-

municators. [(The Department of Public Safety is proposing the general organization.)]

AUTHORITY: section 650.340, RSMo Supp. [1999] 2011. This rule originally filed as 11 CSR 10-12.010. Original rule filed May 16, 2000, effective Nov. 30, 2000. Moved and amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
[Division 10—Adjutant General]
Division 30—Office of the Director
Chapter [12] 13—911 Training and Standards Act

PROPOSED AMENDMENT

[11 CSR 10-12.020] 11 CSR 30-13.020 Definitions. The department is moving the rule and amending the purpose statement.

PURPOSE: This amendment moves the rule from the Adjutant General to the Office of the Director and removes the reference to the department in the purpose statement because that language is no longer necessary with the rule moving to the Office of the Director.

PURPOSE: This rule defines the terms used in the rules, which pertain to the training of telecommunications. [(The Department of Public Safety is defining definitions.)]

AUTHORITY: section 650.340, RSMo Supp. [1999] 2011. This rule originally filed as 11 CSR 10-12.020. Original rule filed May 16, 2000, effective Nov. 30, 2000. Moved and amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
[Division 10—Adjutant General]
Division 30—Office of the Director
Chapter [12] 13—911 Training and Standards Act

PROPOSED AMENDMENT

[11 CSR 10-12.030] **11 CSR 30-13.030 Initial Training.** The department is moving the rule and amending the purpose and section (1).

PURPOSE: This amendment moves the rule from the Adjutant General to the Office of the Director and removes the reference to the department in the purpose statement because that language is no longer necessary with the rule moving to the Office of the Director. The amendment also updates a rule reference consistent with moving the rule to the Office of the Director.

PURPOSE: This rule defines the training levels and requirements for telecommunicators. [(The Department of Public Safety is proposing requirements.)]

(1) Telecommunicators hired after August 28, 1999, must complete the following training within **twelve** (12) months of the date of employment. Training must meet the requirements indicated in [11 CSR 10-12.060] **11 CSR 30-13.060**.

(A) In order to act as a telecommunicator for any law enforcement agency, **sixteen** (16) hours of police dispatcher training or **forty** (40) hours of joint communications dispatcher training.

(B) In order to act as a telecommunicator for any fire department, **sixteen** (16) hours of fire dispatcher training or **forty** (40) hours of joint communications dispatcher training.

(C) In order to act as a telecommunicator for any emergency medical service, **sixteen** (16) hours of emergency medical dispatcher training or **forty** (40) hours of joint communications dispatcher training.

(D) In order to act as a telecommunicator for a joint communications center, **forty** (40) hours of joint communications dispatcher training.

AUTHORITY: section 650.340, RSMo Supp. [1999] 2011. This rule originally filed as 11 CSR 10-12.030. Original rule filed May 16, 2000, effective Nov. 30, 2000. Moved and amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
[Division 10—Adjutant General]
Division 30—Office of the Director
Chapter [12] 13—911 Training and Standards Act

PROPOSED AMENDMENT

[11 CSR 10-12.040] **11 CSR 30-13.040 Exemptions and Waiver of Initial Training Requirement.** The department is moving the rule and amending the purpose and sections (2), (4), and (5).

PURPOSE: This amendment moves the rule from the Adjutant General to the Office of the Director and removes the reference to the department in the purpose statement because that language is no longer necessary with the rule moving to the Office of the Director.

The amendment also updates a rule reference and an address consistent with moving the rule to the Office of the Director.

PURPOSE: This rule defines those individuals exempt from the training requirements, delineates those circumstances where the initial training requirements may be waived and how such requests shall be handled. [(The Department of Public Safety is proposing requirements for waiver.)]

(2) Any persons hired after August 28, 1999, as a telecommunicator, may have the initial training requirement waived upon furnishing proof to the committee that they have completed a training course in another state that meets the minimum requirements listed in [11 CSR 10-12.030] **11 CSR 30-13.030**.

(4) If an individual received training in a single discipline and is not employed in a multidiscipline Public Safety Answering Point (PSAP) (**two** (2) disciplines) or joint communication center, they must complete the initial training requirements for the disciplines in which they are not certified.

(5) Requests for waivers from individuals who received training from organizations outside Missouri may submit certificates, transcripts, or other proof of training to the Advisory Committee for 911 Service Oversight, P[O] Box [116] 749, Jefferson City, MO 65102, for review and approval. Original documents are preferred and will be returned to the applicant.

AUTHORITY: section 650.340, RSMo Supp. [1999] 2011. This rule originally filed as 11 CSR 10-12.040. Original rule filed May 16, 2000, effective Nov. 30, 2000. Moved and amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY
[Division 10—Adjutant General]
Division 30—Office of the Director
Chapter [12] 13—911 Training and Standards Act

PROPOSED AMENDMENT

[11 CSR 10-12.050] **11 CSR 30-13.050 Requirements for Continuing Education.** The department is moving the rule and amending the purpose and sections (1)–(4).

PURPOSE: This amendment moves the rule from the Adjutant General to the Office of the Director and removes the reference to the department in the purpose statement because that language is no longer necessary with the rule moving to the Office of the Director. The amendment clarifies the time period for telecommunicators to obtain continuing education and sets out the approved sources of telecommunicator continuing education. The amendment requires the telecommunicator to maintain a record of compliance with the continuing education requirements.

PURPOSE: *The rule defines the requirements for completion of continuing education and the terms for maintaining training records. [(The Department of Public Safety is proposing requirements.)] The rule further defines the approved sources for telecommunicator continuing education.*

(1) *[All telecommunicators employed in a Public Safety Answering Point (PSAP) must complete a minimum of 16 hours refresher or ongoing training every two years.] Continuing telecommunicators education (CTE) shall be obtained and monitored on a fixed, three- (3)-year cycle, with the first CTE period ending December 31, 2014, and successive CTE periods ending December 31 every third year thereafter.*

(2) *[Training must satisfy the requirements listed in 11 CSR 10-12.060.] Every telecommunicator shall obtain a minimum of twenty-four (24) hours of CTE credit during each CTE period.*

(3) *[It is the responsibility of the PSAP to maintain training records, certificates and waivers for each telecommunicator employed. Certified copies of certificates and transcripts may be used in place of originals.] CTE credit may be obtained from the following sources:*

(A) *From a CTE provider approved pursuant to 11 CSR 30-13.070 or a Continuing Law Enforcement Education provider licensed pursuant to 11 CSR 75-15.030;*

(B) *From a source approved to provide a specific CTE course pursuant to 11 CSR 30-13.080;*

(C) *From an approved out-of-state source pursuant to 11 CSR 30-13.090;*

(D) *For serving as an instructor for a CTE class pursuant to 11 CSR 30-13.060(3)(B);*

(E) *By attending an accredited college or university course related to communications or emergency management or applicable to communications or emergency management administration pursuant to 11 CSR 30-13.060(3)(C); or*

(F) *As in-service training pursuant to 11 CSR 30-13.100.*

(4) *[It is incumbent upon the PSAP to certify telecommunicators meet the requirements.] Each telecommunicator shall be responsible for maintaining record of compliance with the continuing education rules.*

AUTHORITY: *section 650.340, RSMo Supp. [1999] 2011. This rule originally filed as 11 CSR 10-12.050. Original rule filed May 16, 2000, effective Nov. 30, 2000. Moved and amended: Filed Jan. 3, 2012.*

PUBLIC COST: *This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.*

PRIVATE COST: *This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.*

NOTICE TO SUBMIT COMMENTS: *Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.*

Title 11—DEPARTMENT OF PUBLIC SAFETY
[Division 10—Adjutant General]
Division 30—Office of the Director
Chapter [12] 13—911 Training and Standards Act

PROPOSED AMENDMENT

[11 CSR 10-12.060 Procedures for Certification of Training Providers] 11 CSR 30-13.060 Minimum Standards for Continuing Education Training. The department is moving the rule, amending the purpose and sections (1)–(7), and deleting section (8).

PURPOSE: *This amendment moves the rule from the Adjutant General to the Office of the Director and removes the reference to the department in the purpose statement because that language is no longer necessary with the rule moving to the Office of the Director. The amendment sets out the types of continuing telecommunicators training, how an hour of continuing education is calculated, and the procedure for a training provider to provide proof that the telecommunicator completed a continuing telecommunicators training course.*

PURPOSE: *[This rule defines the documentation requirements and procedures for approval of a course provider of the training of telecommunicators. (The Department of Public Safety is proposing procedures for certification.)] This rule establishes minimum standards for the continuing education training of telecommunicators.*

(1) *[The Department of Public Safety, with the assistance and advice of the Advisory Committee for 911 Service Oversight, is the certifying agency for 911 telecommunicator training.] All continuing telecommunicators education (CTE) training shall relate to one (1) or more of the following curricula areas:*

(A) *Legal studies;*

(B) *Technical studies;*

(C) *Interpersonal perspectives; or*

(D) *Skill development.*

(2) *[Organizations, including Public Safety Answering Points (PSAP), which have developed telecommunicator training courses may submit the instructor's manual, handouts, course outline and supporting material to the Department of Public Safety for review and certification. Material submitted will be maintained on file with the department and will be considered proprietary material.] All CTE training shall be designated according to curricula area.*

(3) *[Upon completion of the review process, a certification letter will be mailed, indicating whether the course is acceptable and meets the training intent.] CTE credit shall be calculated at the following rates:*

(A) *One (1) hour of CTE credit for each fifty (50) minutes of CTE instruction received;*

(B) *Two (2) hours of CTE credit for each hour of CTE instruction delivered; and*

(C) *Two (2) hours of CTE credit for each semester hour of credit earned at an accredited college, university, or technical institution related to communications and emergency management or applicable to communications and emergency management administration.*

(4) *[Organizations that have developed courses that are denied certification will be notified in writing as to the reasons for the denial. Deficiencies may be corrected and the course resubmitted for consideration.] Upon successful completion of the requirements of any CTE course, the provider of the training shall present each trainee a certificate bearing—*

(A) *The provider's name and the phrase "Approved Provider";*

(B) *The course name;*

(C) *The total number of CTE credit hours earned;*

(D) *A breakdown of CTE credit hours earned by curricula area;*

(E) *The trainee's name; and*

(F) The name of the individual responsible for general administration of the course.

(5) [Organizations may appeal the denial of certification for any course to the Director of the Department of Public Safety, P.O. Box 749, Jefferson City, MO 65102. The director is the final adjudication authority for course certification and denial.] The CTE provider shall retain, for a period of five (5) years after each CTE training course, the following records:

(A) A copy of the training certificate or other record of the information required by subsections (4)(A) to (4)(F) of this rule;

(B) A list of all trainees who successfully completed the course;

(C) The name of the individual responsible for general administration of the course;

(D) A list of all training objectives;

(E) All course outlines;

(F) All instructor records; and

(G) The course evaluation plan.

(6) [Once a course is certified, any changes or modifications, additions and deletions must be submitted to the department for review. Only the modifications need to be forwarded for review, a completely new set of course materials is not required.] Every agency that provides in-service CTE training shall present each telecommunicator leaving the agency with a complete record of all in-service CTE training obtained by the telecommunicator during the telecommunicator's tenure with the agency.

(7) [Instructor certification is the responsibility of the PSAP. The Department of Public Safety will not issue certification letters for instructors.] CTE providers shall deliver all CTE training in an effective manner.

[(8) PSAPs may contact the Advisory Committee for 911 Service Oversight for general guidelines regarding instructor qualifications and training.]

AUTHORITY: section 650.340, RSMo Supp. [1999] 2011. This rule originally filed as 11 CSR 10-12.060. Original rule filed May 16, 2000, effective Nov. 30, 2000. Moved and amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Missouri Department of Public Safety, PO Box 749, Jefferson City, MO 65012. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act**

PROPOSED RULE

11 CSR 30-13.070 Procedure to Obtain Continuing Education Provider Approval for 911 Telecommunicators

PURPOSE: This rule identifies the procedure to obtain continuing

education provider approval.

(1) Any person or entity may apply for a continuing telecommunicator education (CTE) provider approval, except that an agency eligible to provide in-service CTE training pursuant to 11 CSR 30-13.100 is not eligible for CTE provider approval.

(2) An applicant shall submit to the 911 Oversight Training Subcommittee a CTE provider approval application. The subcommittee may review or request additional information from an applicant.

(3) The 911 Oversight Training Subcommittee may consider any relevant factor in determining an applicant's qualifications, including the applicant's history, facilities and equipment, academic qualifications, financial qualifications, the estimated number of annual graduates, letters of support, and the justification for provider status as opposed to obtaining individual course approval pursuant to 11 CSR 30-13.080.

(4) The 911 Oversight Training Subcommittee may—

(A) Conduct a site visit;

(B) Review the applicant's policies and procedures, including attendance and instructor evaluation policies;

(C) Review the applicant's proposed courses, including training objectives, outline, evaluation plan, and instructor qualifications; and

(D) Report the findings to the 911 Oversight Committee.

(5) Upon receipt of the training subcommittee's report, the 911 Oversight Committee may invite the applicant to appear before the committee.

(6) The 911 Oversight Committee shall provide the director of the department with a report outlining the findings from the review and a final recommendation whether to approve the applicant as a CTE provider.

(7) At the director's request, the 911 Oversight Committee shall obtain additional information regarding the application. The director shall consider the recommendation of the 911 Oversight Committee and shall grant the CTE provider approval or deny the applicant's request.

(8) All new CTE provider approvals shall be issued for an initial period of one (1) year.

(9) The procedure to renew a CTE provider approval shall be as follows:

(A) The applicant shall submit to the 911 training subcommittee a CTE provider renewal application;

(B) The 911 training subcommittee may conduct a programmatic review of the applicant;

(C) The 911 training subcommittee shall review the renewal application of the CTE provider and present the findings to the 911 Oversight Committee for review;

(D) The 911 Oversight Committee shall provide a report of the findings and make a recommendation to the director of the department whether to grant or deny the renewal; and

(E) The director of the department shall consider the renewal recommendation of the 911 Oversight Committee and may—

1. Request additional information regarding the renewal application;

2. Renew the approval for an additional period of one (1) year subject to further audit and review by the 911 Oversight Committee;

3. Grant a three- (3)-year approval; or

4. Deny the approval.

AUTHORITY: section 650.340, RSMo Supp. 2011. Original rule filed Jan. 3, 2012.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Missouri Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act**

PROPOSED RULE

11 CSR 30-13.080 Procedure to Obtain Approval for an Individual Continuing Education Course for 911 Telecommunicators

PURPOSE: This rule identifies the procedure to obtain approval for an individual continuing telecommunicator education course.

- (1) To be eligible to obtain approval for a specific, individual continuing telecommunicator education (CTE) course, an applicant must not be the holder of a CTE provider approval.
- (2) An applicant shall submit to the 911 training subcommittee a completed individual CTE course application. The training subcommittee may investigate the applicant or request additional information from the applicant.
- (3) Continuing telecommunicator education courses must fall within one (1) or more of the following curricula areas:
 - (A) Legal studies;
 - (B) Technical studies;
 - (C) Interpersonal perspectives; or
 - (D) Skill development.
- (4) The 911 training subcommittee may consider any relevant factor in determining the qualification of the applicant and proposed course, including, attendance policy, evaluation plan, training objectives, course outline, and record of instructions of previous courses.
- (5) The 911 training subcommittee shall make a recommendation to the 911 Oversight Committee.
- (6) The 911 Oversight Committee shall provide the director of the department with a report and final recommendation regarding the application.
- (7) The director of the department may—
 - (A) Request additional information regarding the application;
 - (B) Grant approval of the individual CTE course; or
 - (C) Deny the application.
- (8) Any change to the training objectives of an individual CTE course shall require prior approval of the director.

AUTHORITY: section 650.340, RSMo Supp. 2011. Original rule filed Jan. 3, 2012.

PUBLIC COST: This proposed rule will not cost state agencies or

political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Missouri Department of Public Safety, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act**

PROPOSED RULE

11 CSR 30-13.090 Out-of-State, Federal, and Organizations Continuing Education Credit for 911 Telecommunicators

PURPOSE: This rule establishes the process for receiving credit for continuing education from other state or federal agencies and organizations.

- (1) The director of the department may recognize other state or federal agencies and organizations with standards for continuing education training providers comparable to the standards established pursuant to these rules.
- (2) In order to receive credit for attending continuing telecommunicator education (CTE) training recognized by the director pursuant to this rule, a telecommunicator shall maintain evidence that—
 - (A) The training was approved for continuing education by the state or federal agency providing the training or by the state in which the training was located; and
 - (B) The telecommunicator successfully completed the training.

AUTHORITY: section 650.340, RSMo Supp. 2011. Original rule filed Jan. 3, 2012.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Missouri Department of Public Safety, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 30—Office of the Director
Chapter 13—911 Training and Standards Act**

PROPOSED RULE

11 CSR 30-13.100 In-Service Continuing Education Training for 911 Telecommunicators

PURPOSE: The rule establishes the procedure for a governmental

agency to provide in-service training that qualifies for CTE credit.

(1) Any governmental agency may provide in-service continuing telecommunicator education (CTE) training to its employed telecommunication officers.

(2) In order for in-service training to qualify for CTE credit, the agency providing the training must submit an application and a copy of the proposed in-service training to the 911 training subcommittee for review. The applicant shall provide to the subcommittee, without charge, relevant agency records retained pursuant to 11 CSR 30-13.060(5).

(3) The 911 training subcommittee shall review the application and proposed training and make a recommendation to the 911 Oversight Committee whether the in-service training meets the requirements of 11 CSR 30-13.060.

(4) The 911 Oversight Committee shall provide the director of the department with a report and final recommendation regarding the application.

(5) The director of the department may—
(A) Request additional information regarding the application;
(B) Grant approval of the in-service training; or
(C) Deny the application.

AUTHORITY: section 650.340, RSMo Supp. 2011. Original rule filed Jan. 3, 2012.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Missouri Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 11—DEPARTMENT OF PUBLIC SAFETY Division 30—Office of the Director Chapter 13—911 Training and Standards Act

PROPOSED RULE

11 CSR 30-13.110 Computer-Based Continuing Education Training for 911 Telecommunicators

PURPOSE: This rule establishes the requirements for computer-based training.

(1) Any source approved to provide continuing telecommunicator education (CTE) training pursuant to 11 CSR 30-13.050 may offer interactive, computer-based training.

(2) Computer-based training shall meet all requirements of 11 CSR 30-13.060. In addition, the training certificate presented to each trainee shall bear the phrase "Computer-Based Training."

(3) A computer-based training course shall be considered a complete course outline plan within itself. When a course is no longer available via computer, the provider shall maintain a printed copy of the

course outline in the course file or a video copy retained pursuant to 11 CSR 30-13.060(5).

(4) The course administrator shall attest to actual attendance and may ascertain attendance by any reasonably certain method, including tracking by the computer course software, if the tracking meets the standard of this rule. The attendance policy and methodology for ascertaining attendance shall be included in the course record file.

(5) The number of CTE credit hours for a computer-based training course shall be determined by the approved provider.

AUTHORITY: section 650.340, RSMo Supp. 2011. Original rule filed Jan. 3, 2012.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with Missouri Department of Public Safety, Director's Office, PO Box 749, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 12—DEPARTMENT OF REVENUE Division 30—State Tax Commission Chapter 4—Agricultural Land Productive Values

PROPOSED AMENDMENT

12 CSR 30-4.010 Agricultural Land Productive Values. The commission is amending this rule to adjust agricultural land values.

PURPOSE: Pursuant to section 137.021 requirements, the state tax commission proposes to change the values in land grades 1 through 4. The state tax commission proposes to implement the same use values which are in effect to date for land grades 5 through 8.

PURPOSE: This rule complies with the requirement of section 137.021, RSMo, to publish a range of productive values for agricultural and horticultural land for the ensuing tax year.

(1) Agricultural Land Grades and Values. The following are definitions of agricultural land grades and the productive values of each:

(A) Grade #1. This is prime agricultural land. Condition of soils is highly favorable with no limitations that restrict their use. Soils are deep, nearly level (zero to two percent (0–2%) slope) or gently sloping with low erosion hazard and not subject to damaging overflow. Soils that are consistently wet and poorly drained are not placed in Grade #1. They are easily worked and produce dependable crop yields with ordinary management practices to maintain productivity—both soil fertility and soil structure. They are adapted to a wide variety of crops and suited for intensive cropping. Use value: *[nine hundred eighty-five dollars (\$985)] one thousand sixty-five dollars (\$1,065)*;

(B) Grade #2. These soils are less desirable in one (1) or more respects than Grade #1 and require careful soil management, including some conservation practices on upland to prevent deterioration. This grade has a wide range of soils and minimum slopes (mostly zero to five percent (0–5%)) that result in less choice of either crops or management practices. Primarily bottomland and best upland soils. Limitations—

1. Low to moderate susceptibility to erosion;
2. Rare damaging overflows (once in five to ten (5–10) years); and

3. Wetness correctable by drainage. Use value: *[eight hundred ten dollars (\$810)]* **eight hundred seventy-five dollars (\$875)**;

(C) Grade #3. Soils have more restrictions than Grade #2. They require good management for best results. Conservation practices are generally more difficult to apply and maintain. Primarily good upland and some bottomland with medium productivity. Limitations—

1. Gentle slope (two to seven percent (2–7%));
2. Moderate susceptibility to erosion;
3. Occasional damaging overflow (once in three to five (3–5) years) of Grades #1 and #2 bottomland; and
4. Some bottomland soils have slow permeability, poor drainage, or both. Use value: *[six hundred fifteen dollars (\$615)]* **six hundred sixty-five dollars (\$665)**;

(D) Grade #4. Soils have moderate limitations to cropping that generally require good conservation practices. Crop rotation normally includes some small grain (for example, wheat or oats), hay, or both. Soils have moderately rolling slopes and show evidence of serious erosion. Limitations—

1. Moderate slope (four to ten percent (4–10%));
2. Grade #1 bottomland subject to frequent damaging flooding (more often than once in two (2) years), or Grades #2 and #3 bottomland subject to occasional damaging flooding (once every three to five (3–5) years);
3. Poor drainage in some cases; and
4. Shallow soils, possibly with claypan or hardpan. Use value: *[three hundred eighty-five dollars (\$385)]* **four hundred fifteen dollars (\$415)**;

(E) Grade #5. Soils are not suited to continuous cultivation. Crop rotations contain increasing proportions of small grain (for example, wheat or oats), hay, or both. Upland soils have moderate to steep slopes and require conservation practices. Limitations—

1. Moderate to steep slopes (eight to twenty percent (8–20%));
2. Grades #2 and #3 bottomland subject to frequent damaging flooding (more than once in two (2) years) and Grade #4 bottomland subject to occasional damaging flooding; and
3. Serious drainage problems for some soils. Use value: one hundred ninety-five dollars (\$195);

(F) Grade #6. Soils are generally unsuited for cultivation and are limited largely to pasture and sparse woodland. Limitations—

1. Moderate to steep slopes (eight to twenty percent (8–20%));
2. Severe erosion hazards present;
3. Grades #3 and #4 bottomland subject to frequent damaging flooding (more than once in two (2) years), and Grade #5 bottomland subject to occasional damaging flooding (once every three to five (3–5) years); and
4. Intensive management required for crops. Use value: one hundred fifty dollars (\$150);

(G) Grade #7. These soils are generally unsuited for cultivation and may have other severe limitations for grazing and forestry that cannot be corrected. Limitations—

1. Very steep slopes (over fifteen percent (15%));
2. Severe erosion potential;
3. Grades #5 and #6 bottomland subject to frequent damaging flooding (more than once in two (2) years);
4. Intensive management required to achieve grass or timber productions; and

5. Very shallow topsoil. Use value: seventy-five dollars (\$75);

(H) Grade #8. Land capable of only limited production of plant growth. It may be extremely dry, rough, steep, stony, sandy, wet, or severely eroded. Includes rivers, running branches, dry creek, and swamp areas. The lands do provide areas of benefit for wildlife or recreational purposes. Use value: thirty dollars (\$30); and

(I) Definitions. The following are definitions of flooding for purposes of this rule:

1. Damaging flooding. A damaging flood is one that limits or affects crop production in one (1) or more of the following ways:

- A. Erosion of the soil;
- B. Reduced yields due to plant damage caused by standing or flowing water;
- C. Reduced crop selection due to extended delays in planting and harvesting; and
- D. Soil damage caused by sand and rock being deposited on the land by flood waters;

2. Frequent damaging flooding. Flooding of bottomlands that is so frequent that normal row cropping is affected (reduces row crop selection); and

3. Occasional damaging flooding. Flooding of bottomland that is so infrequent that producing normal row crops is not compromised in most years.

(2) Forest Land and Horticultural Land. The following prescribes the treatment of forest land and horticultural land:

(A) Forest land, whose cover is predominantly trees and other woody vegetation, should not be assigned to a land classification grade based on its productivity for agricultural crops. Forest land of two (2) or more acres in area, which if cleared and used for agricultural crops, would fall into land grades #1–#5 should be placed in land grade #6; or if land would fall into land grades #6 or #7 should be placed in land grade #7. Forest land may or may not be in use for timber production, wildlife management, hunting, other outdoor recreation or similar uses; and

(B) Land utilized for the production of horticultural crops should be assigned to a land classification grade based on productivity of the land if used for agricultural crops. Horticultural crops include fruits, ornamental trees and shrubs, flowers, vegetables, nuts, Christmas trees, and similar crops which are produced in orchards, nurseries, gardens, or cleared fields.

AUTHORITY: section 137.021, RSMo Supp. 2000. Original rule filed Dec. 13, 1983, effective March 12, 1984. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 23, 2011.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions forty-seven thousand dollars (\$47,000) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Sandy Wankum, Administrative Secretary, State Tax Commission, PO Box 146, Jefferson City, MO 65102, (573) 751-2414. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**FISCAL NOTE
PUBLIC COST**

- I. Department Title:** Department of Revenue
Division Title: Division 30 State Tax Commission
Chapter Title: Chapter 4 Agricultural Land Productivity Value

Rule Number and Name:	12 CSR-30.4.010 Agricultural Land Productivity Value
Type of Rulemaking:	Proposed Amendment

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance in the Aggregate
114 County Assessors	\$47,000 statewide

III. WORKSHEET

The cost of updating productivity grade values would be negligible. The cost of generating notices of increased assessments and mailing them to the taxpayers would be very roughly estimated as follows:

- Thirty-five percent of the 670,000 agricultural parcels, or 235,000, would be affected.
- Estimating that the average agricultural taxpayer with land in grades one through four owns three agricultural parcels would reduce the number of impact notices to be mailed to approximately 78,000.
- Estimating the cost to print and mail each notice at \$0.60, the total cost statewide would be \$47,000.

IV. ASSUMPTIONS

Title 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 4—Rights of Alleged Probation, Parole
[Violator], or Conditional Release Violator

PROPOSED AMENDMENT

14 CSR 80-4.010 Arrest and Detention of an Alleged Violator.

The Missouri Board of Probation and Parole is amending the chapter title and sections (1) and (2).

PURPOSE: This amendment seeks to include probationers, in addition to parole and conditional release violators, in the application of this regulation.

(1) An alleged **probationer**, parole, or conditional release violator may be arrested by any probation and parole officer, or anyone s/he may deputize to do so, when in the judgment of the officer the **probationer**, parolee, or conditional releasee has violated the conditions of **probation**, parole, or conditional release. A statement in writing is given to the arresting officer. A written copy of the alleged violations is furnished to the detaining authority.

(2) After arrest and detention, the **probationer**, parolee, or conditional releasee is given a copy of the warrant setting out the alleged violations.

AUTHORITY: sections 217.040, 217.720, and [558.031] 217.722, RSMo [1986] 2000. This rule was previously filed as 13 CSR 80-4.010. Original rule filed Feb. 5, 1968, effective Feb. 15, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 22, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Probation and Parole, Kim Jones-Drury, 3400 Knipp Drive, Jefferson City, MO 65109 or by email at kim.jones-drury@doc.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 4—Rights of Alleged Probation, Parole
[Violator], or Conditional Release Violator

PROPOSED AMENDMENT

14 CSR 80-4.020 Preliminary Hearing. The Missouri Board of Probation and Parole is amending the chapter title, subsection (3)(C), and paragraphs (3)(C)1., 2. and 5., adding paragraphs (3)(C)6. and 7., and deleting the form that follows the rule in the *Code of State Regulations*.

PURPOSE: This amendment seeks to include probationers, in addition to parole and conditional release violators, in the application of this regulation.

(3) There are certain conditions to be met in the conducting of a preliminary hearing.

(C) The hearing officer will be in charge of the hearing and only the alleged violator and the hearing officer will be present, unless the

hearing officer feels a security officer should be in attendance. Only one (1) witness will be allowed in the hearing room at a time. The hearing officer will initiate all questioning of witnesses and may terminate any questioning if the testimony becomes irrelevant, repetitious, or excessive.

1. The alleged violator may present his/her own testimony and present any documents or other evidence or mitigating circumstances which may *[throw light on]* explain the violation.

2. The alleged violator may present his/her own witnesses who can give relevant information concerning the violator. The witnesses cannot just be character witnesses. It will be the responsibility of the alleged violator to produce his/her own witnesses, and if s/he is in custody, the officials in charge of the detaining facility will allow him/her to make contacts as may be necessary. The hearing officer does not have subpoena power, and there are no funds available to issue the appearance of any witness nor to pay any other expenses incurred by the alleged violator in preparation for or resulting from the preliminary hearing.

3. The alleged violator may confront or cross-examine any adverse witnesses unless the hearing officer determines that the witnesses may be subject to risk of harm if their identity is disclosed.

4. The alleged violator will not be allowed to have an attorney present, as this is an informal review to establish probable cause. The only exception shall be if the hearing officer has reason to believe the alleged violator is incapable of understanding the proceedings.

5. Upon completion of the hearing, the hearing officer will forward a written hearing report to **the court or** the board for further action. The alleged violator will receive a copy of the report as soon as it can be prepared and delivered.

6. **When the preliminary hearing is being held by the sentencing court, that court may combine the preliminary and revocation hearings. When this occurs, the hearing shall be governed by the rules of that court and the provisions of this administrative rule.**

7. **When the probationer is not arrested in the jurisdiction of the sentencing court, the preliminary hearing may be conducted by the judge or associate circuit judge in the county of the alleged violation or arrest having original jurisdiction to try criminal offenses. When this occurs, the hearing shall be governed by the rules of that court and the provisions of this administrative rule.**

AUTHORITY: sections 217.040, 217.720, and [558.031] 217.722, RSMo [Supp. 1990] 2000. This rule was previously filed as 13 CSR 80-4.020. Original rule filed March 15, 1974, effective March 25, 1974. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 22, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Probation and Parole, Kim Jones-Drury, 3400 Knipp Drive, Jefferson City, MO 65109 or by email at kim.jones-drury@doc.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 14—DEPARTMENT OF CORRECTIONS
Division 80—State Board of Probation and Parole
Chapter 4—Rights of Alleged Probation, Parole
[Violator], or Conditional Release Violator

PROPOSED AMENDMENT

14 CSR 80-4.030 Revocation Hearing. The Missouri Board of Probation and Parole is amending the chapter title and sections (1) and (2).

PURPOSE: This amendment seeks to include probationers, in addition to parole and conditional release violators, in the application of this regulation. Additionally, this amendment seeks to replace the current "Request for or Waiver of Preliminary Hearing" form with the most current form, MO 931-2163, dated 05-2011.

(1) *[When probable cause has been found in the case of alleged violation of parole or conditional release, the alleged violator has the right to a revocation hearing before the board.] When the board chooses to pursue revocation of probation, parole, or conditional release, the alleged violator has the right to a revocation hearing before the authority that originally granted the probation, parole, or conditional release.* The hearing will be held within a reasonable time frame after the alleged violator has been made available to the granting authority either by *[his/her]* return to the Department of Corrections for appearance before the parole board or return to the jurisdiction of the court.

(A) An alleged probation, parole, or conditional release violator will be contacted by an institutional or field probation or parole officer and given a "Request for or Waiver of Preliminary Hearing," included herein, form to sign indicating whether s/he requests a revocation hearing or whether s/he waives a hearing.

(C) The alleged violator may present his/her own testimony regarding the alleged violation, and may present any other documents or evidence of mitigating circumstances which may *[throw light on]* explain the violation.

(D) The alleged violator may present his/her own witnesses who have relevant information concerning this violation. These witnesses are not just to be character witnesses. It will be the alleged violator's responsibility to produce his/her own witnesses, and s/he will be given an opportunity to make contacts as may be necessary to assure the appearance of any witnesses or to pay any expenses incurred by the alleged violator in preparation for or resulting from the hearing.

(F) The alleged probation, parole, or conditional release violator may have a representative of his/her choice at the revocation hearing. The representative may be a family member, a friend, an employer, or legal counsel. *[The alleged violator found to be indigent may be provided legal counsel in either of the following instances:*

1. *Upon request, counsel may be provided if there is no admission to the alleged violations; or*

2. *Counsel may be provided if the alleged violator is not capable of self-representation.]*

(G) A statement by the court or the board as to the evidence relied on and reasons for revoking shall be supplied to the probationer, parolee, or conditional releasee.

(2) After the revocation hearing of an alleged probation, parole, or conditional release violator, the board will reach a decision within *[ten (10 working days from the date of the hearing or as soon after that as practicable)] a reasonable amount of time.* The inmate will receive a written notice of the board's action as soon as the notice can be prepared and delivered. Following is a possible list of decisions the board may make, but does not exhaust the decisions open to the board:

[(C) The board may revoke and deny further parole consideration, causing the violator to serve the remainder of his/her sentence;]

[(D)](C) The board may revoke and reschedule the violator for a hearing or release.

1. If the remaining time on the sentence from the date of revocation is less than twelve (12) months, it is very likely the board will give a complete denial of further parole consideration.

2. If the remainder of the sentence to serve after revocation is

more than twelve (12) months, the board may schedule a hearing. The hearing will be held within one (1) year for technical violators and absconders. A violator with a new sentence to the Missouri Department of Corrections will be held in accordance with board policy; and

[(E)](D) The board may not revoke, but consider the alleged violator for reinstatement on parole [on] or conditional release. The release will occur as soon as a satisfactory plan is approved by the board.

(3) Following are the rules regarding time accredited to a parole or conditional release violator's sentence:

(A) For those *[individuals]* offenders who were arrested for a crime while on parole or conditional release and received a conviction and sentence to be served outside the Department of Corrections, the board shall determine what part, if any, of the time from the date of arrest until completion of the sentence imposed, is counted as time served under the sentence from which they were paroled or conditionally released;

(B) For those *[individuals]* offenders who violate parole or conditional release by absconding, the board shall determine what part, if any, from the date of the board's official Order of Arrest and Return issuance to his/her return to the Department of Corrections is counted as time served under the original sentence;

(C) Those *[individuals]* offenders sentenced to the Department of Corrections under section 195.221, RSMo *[(1986)]* for selling, giving, or delivering a controlled substance and were paroled prior to August 13, 1984, are compelled to serve the full amount of their sentences if paroled, plus an additional five (5) years. If they violate this parole, they must serve any time remaining on their sentences from the date of the release on parole;

(F) If the board revoked the parole or conditional release, the paroled person shall serve the remainder of his/her prison term and all the conditional release term, as an additional prison term, and the conditionally released person shall serve the remainder of the conditional release term as an additional prison term, unless s/he is sooner released on parole *[under section 217.690, RSMo (1986)].*

MO 931-2163 05-2011

AUTHORITY: sections 217.040, 217.720, 217.722, and 558.031, RSMo [Supp. 1990] 2000, and 217.690, RSMo Supp. 2011. This rule was previously filed as 13 CSR 80-4.030. Original rule filed Feb. 5, 1968, effective Feb. 15, 1968. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 22, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Probation and Parole, Kim Jones-Drury, 3400 Knipp Drive, Jefferson City, MO 65109 or by email at kim.jones-drury@doc.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System
of Missouri
Chapter 5—Retirement, Options and Benefits

PROPOSED AMENDMENT

16 CSR 10-5.030 Beneficiary. The Retirement System is amending sections (2), (4), (5), and (13), including adding new subsections to section (4).

PURPOSE: This amendment clarifies and expands on existing rules that set forth the procedure for naming beneficiaries and their eligibility as provided by sections 169.070 and 169.075, RSMo.

(2) A member may change a beneficiary(ies) **at any time prior to retirement** by filing a request for change with the board of trustees on a form furnished by the board for this purpose.

(4) **Upon the death of a member or retiree, payments shall be made as set forth below.**

(A) The designated beneficiary of a deceased member[, or of a deceased retiree who elected Option 1 at retirement,] **prior to retirement** shall be entitled to receive payment of the accumulated contributions of the deceased member[, or any balance of the deceased retiree's accumulated contributions in excess of the total retirement allowances paid,] if an alternate benefit is not elected by the beneficiary. **If the member fails to designate a beneficiary on the form provided, if the beneficiary designation form on file is deemed invalid by operation of section 169.076.2, RSMo, or if no beneficiary designated on the form provided survives the member, the benefit shall be paid in accordance with section 169.076, RSMo.**

(B) The designated beneficiary of a deceased retiree who retired before January 1, 2012, and elected Option 1 at retirement shall be entitled to receive any balance of the deceased retiree's accumulated contributions in excess of the total retirement allowances paid. **If the retiree fails to designate a beneficiary on the form provided or if no beneficiary designated on the form provided survives the member, the benefit shall be paid in accordance with section 169.070.4, RSMo.**

(C) All members retiring on or after January 1, 2012, who elect Option 1 must designate a beneficiary at or after the time of their retirement and any beneficiary designation made prior to the member's retirement shall be deemed void at the time of their retirement. **Any beneficiary designated at or after retirement by**

a retiree electing Option 1 shall, upon the retiree's death, be entitled to receive any balance of the deceased retiree's accumulated contributions in excess of the total retirement allowances paid. If the retiree fails to designate a beneficiary at or after retirement on the form provided or if no beneficiary designated on the form provided survives the member, the benefit shall be paid in accordance with section 169.070.4, RSMo.

(D) *[In a like manner, i]***If both a retiree who elected Option 2, 3, or 4 and the designated joint survivor under the option are deceased, any existing balance of the deceased retiree's accumulated contributions in excess of the total retirement allowances paid to the retiree and to the joint survivor shall be paid to the beneficiary designated for that purpose. If the retiree fails to designate a beneficiary on the form provided or if no beneficiary designated on the form provided survives the member, the benefit shall be paid in accordance with section 169.070.4, RSMo.**

(E) *[However, n]***No payment of accumulated contributions shall be made to an estate except through the personal representative who has been legally qualified and who shall file a certified copy of the appointment; except, that in cases where the court does not appoint a personal representative, payment shall be made upon order of the court to the person(s) designated by the court, or in the absence of court order, the system may make payment to a surviving heir if all known surviving heirs sign an Indemnity Agreement and file this agreement with the board of trustees prior to the payment where such agreement would adequately protect the system; or payment may be made in accordance with the provisions of section 473.097, RSMo, relating to small estates.**

(5) Payments due a beneficiary of a deceased service retiree under Option 2, 3, 4, 5, or 6 shall commence with the month following the month in which the retiree dies. Payments due a beneficiary under Option 2, 3, or 4 shall cease with the payment at the end of the month in which the death of the beneficiary occurs. Under Options 5 and 6, if the retiree dies prior to receiving one hundred twenty (120) or sixty (60) monthly payments, respectively, the remainder of such monthly payments shall be paid to the retiree's primary beneficiary. If the primary beneficiary dies prior to receiving the remainder of the one hundred twenty (120) or sixty (60) monthly payments under Option 5 or 6, respectively, the remainder of such monthly payments shall be paid to the retiree's first contingent beneficiary. If the first contingent beneficiary dies prior to receiving the remainder of the one hundred twenty (120) or sixty (60) monthly payments under Option 5 or 6, respectively, the remainder of such monthly payments shall be paid to the retiree's second contingent beneficiary. If there is no primary or contingent beneficiary who survives the retiree for the remainder of the one hundred twenty (120) or sixty (60) monthly payments under Option 5 or 6, respectively, the reserve of the remainder of such payments shall be paid *[to the estate of the last person to receive a monthly payment]* **in accordance with section 169.070.3(1), RSMo.**

(13) The five thousand dollar (\$5,000) death benefit payable pursuant to section 169.070.20, RSMo, shall be payable to the beneficiary designated by the member to receive such benefit. If the member fails to designate a beneficiary on the form provided or if no beneficiary designated on the form provided survives the member, the death benefit shall be paid in accordance with section 169.070.*[20/21]*, RSMo.

AUTHORITY: section 169.020, RSMo Supp. [2005] 2011. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 19, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Public School and Education Employee retirement systems of Missouri, Attn: M. Steve Yoakum, Executive Director, PO Box 268, Jefferson City, MO 65102-0268. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 10—The Public School Retirement System
of Missouri
Chapter 6—The Public Education Employee
Retirement System of Missouri

PROPOSED AMENDMENT

16 CSR 10-6.090 Beneficiary. The Retirement System is amending sections (2), (4), and (5), including adding new subsections to section (4).

PURPOSE: This amendment clarifies and expands on existing rules that set forth the procedure for naming beneficiaries and their eligibility as provided by sections 169.663 and 169.670, RSMo.

(2) A member may change beneficiary(ies) **at any time prior to retirement** by filing a request for change with the board of trustees on a form furnished by the board for this purpose.

(4) **Upon the death of a member or retiree, payments shall be made as set forth below.**

(A) The designated beneficiary of a deceased member[, or of a deceased retiree who elected Option 1 at retirement,] **prior to retirement** shall be entitled to receive payment of the accumulated contributions of the deceased member[, or any balance of the deceased retiree's accumulated contributions in excess of the total retirement allowances paid,] if an alternate benefit is not elected by the beneficiary. **If the member fails to designate a beneficiary on the form provided, if the beneficiary designation form on file is deemed invalid by operation of section 169.676.2, RSMo, or if no beneficiary designated on the form provided survives the member, the benefit shall be paid in accordance with section 169.676, RSMo.**

(B) The designated beneficiary of a deceased retiree who retired before January 1, 2012, and elected Option 1 at retirement shall be entitled to receive any balance of the deceased retiree's accumulated contributions in excess of the total retirement allowances paid. **If the retiree fails to designate a beneficiary on the form provided or if no beneficiary designated on the form provided survives the member, the benefit shall be paid in accordance with section 169.670.5, RSMo.**

(C) All members retiring on or after January 1, 2012, who elect Option 1 must designate a beneficiary at or after the time of their retirement and any beneficiary designation made prior to the member's retirement shall be deemed void at the time of their retirement. Any beneficiary designated at or after retirement by a retiree electing Option 1 shall, upon the retiree's death, be entitled to receive any balance of the deceased retiree's accumulated contributions in excess of the total retirement allowances paid. **If the retiree fails to designate a beneficiary at or after retirement on the form provided or if no beneficiary designated on the form provided survives the member, the benefit shall be paid in accordance with section 169.670.5, RSMo.**

(D) *[In a like manner, i]* If both a retiree who elected Option 2, 3, or 4 and the designated joint survivor under the option are deceased, any existing balance of the deceased retiree's accumulated

contributions in excess of the total retirement allowances paid to the retiree and to the joint survivor shall be paid to the beneficiary designated for that purpose. **If the retiree fails to designate a beneficiary on the form provided or if no beneficiary designated on the form provided survives the member, the benefit shall be paid in accordance with section 169.670.5, RSMo.**

(E) *[However, n]* No payment of accumulated contributions shall be made to an estate except through the personal representative who has been legally qualified and who shall file a certified copy of the appointment; except that in cases where the court does not appoint a personal representative, payment shall be made upon order of the court to the person(s) designated by the court or in the absence of court order the system may make payment to a surviving heir if all known surviving heirs sign an Indemnity Agreement and file this agreement with the board of trustees prior to the payment where such agreement would adequately protect the system; or payment may be made in accordance with the provisions of section 473.097, RSMo, relating to small estates.

(5) Payments due a beneficiary of a deceased service retiree under Option 2, 3, 4, 5, 6, or 7 shall commence with the month following the month in which the retiree dies. Payments due a beneficiary under Option 2, 3, 4, or 7 shall cease with the payment at the end of the month in which the death of the beneficiary occurs. Under Options 5 and 6, if the retiree dies prior to receiving one hundred twenty (120) or sixty (60) monthly payments, respectively, the remainder of such monthly payments shall be paid to the retiree's primary beneficiary. **If the primary beneficiary dies prior to receiving the remainder of the one hundred twenty (120) or sixty (60) monthly payments under Option 5 or 6, respectively, the remainder of such monthly payments shall be paid to the retiree's first contingent beneficiary. If the first contingent beneficiary dies prior to receiving the remainder of the one hundred twenty (120) or sixty (60) monthly payments under Option 5 or 6, respectively, the remainder of such monthly payments shall be paid to the retiree's second contingent beneficiary. If there is no primary or contingent beneficiary who survives the retiree for the remainder of the one hundred twenty (120) or sixty (60) monthly payments under Option 5 or 6, respectively, the reserve of the remainder of such payments shall be paid [to the estate of the last person to receive a monthly payment] in accordance with section 169.670.4(1), RSMo.**

AUTHORITY: section 169.610, RSMo Supp. [2005] 2011. Original rule filed Dec. 19, 1975, effective Jan. 1, 1976. For intervening history, please consult the Code of State Regulations. Amended: Filed Dec. 19, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with Public School and Education Employee retirement systems of Missouri, Attn: M. Steve Yoakum, Executive Director, PO Box 268, Jefferson City, MO 65102-0268. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.010 Definitions. The board is amending subsection (1)(W).

PURPOSE: This amendment clarifies the definition of plan.

(1) When used in these regulations or in sections 50.1000 to 50.1300, RSMo, the words and phrases defined hereinafter shall have the following meanings unless a different meaning is clearly required by the context of the plan:

(W) Plan, or CERF, means the County Employees' Retirement Fund, as described in sections 50.1000/-/-50.1300, RSMo. **The plan intends to satisfy Code section 401(a) by meeting the requirements of Code section 414(d), applicable to a governmental plan;**

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Oct. 11, 1995, effective May 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 19, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 2—Membership and Benefits

PROPOSED AMENDMENT

16 CSR 50-2.160 Administration of Fund. The board is amending section (2) and adding a new section (8).

PURPOSE: This amendment clarifies the trust and consequences of plan termination.

(2) To implement the plan, the board shall enter into a trust agreement so that plan funds shall be segregated from an employer's own assets and held in trust by the trustee for the exclusive benefit of participants and their beneficiaries. Any or all benefits that may accrue to any participant or beneficiary under this plan shall be subject to the terms and conditions of said trust agreement. Except as provided in section (5), it shall be impossible under any circumstances at any time for any part of the corpus or income of the trust fund to be used for, or diverted to purposes other than the exclusive benefit of participants and their beneficiaries **and paying administrative expenses of the plan or to revert to or inure to the benefit of an employer, except as otherwise permitted or required by law.**

(8) Upon termination or partial termination of the plan, a participant's interest under the plan as of such date shall become fully vested to the extent funded.

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Sept.

29, 2000, effective March 30, 2001. Amended: Filed Nov. 10, 2005, effective May 30, 2006. Amended: Filed Feb. 21, 2006, effective Sept. 30, 2006. Amended: Filed Dec. 19, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

Title 16—RETIREMENT SYSTEMS
Division 50—The County Employees' Retirement Fund
Chapter 3—Creditable Service

PROPOSED AMENDMENT

16 CSR 50-3.010 Creditable Service. The board is amending subsection (4)(B).

PURPOSE: This amendment clarifies the treatment of part-time and seasonal employees.

(4) Part-Time and Seasonal Employees.

(B) Part-Time and Seasonal Employees Working Less Than One Thousand (1,000) Hours. If a part-time or seasonal employee works less than one thousand (1,000) hours of service in a plan year, his or her creditable service shall be calculated by dividing the total number of hours worked by ninety-one (91) to arrive at the number of months of creditable service. This number shall be rounded to the nearest whole number of months. Notwithstanding the foregoing, in no event shall a part-time or seasonal employee receive more months of creditable service than the actual number of months worked. *[For this purpose, a part-time or seasonal employee will be considered to have worked a month if the part-time or seasonal employee worked any portion of such month for an employer.]*

AUTHORITY: section 50.1032, RSMo 2000. Original rule filed Oct. 11, 1995, effective May 30, 1996. For intervening history, please consult the *Code of State Regulations*. Amended: Filed Dec. 19, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the County Employees' Retirement Fund, 2121 Schotthill Woods Drive, Jefferson City, MO 65101. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

NOTE: 20 CSR 100-5.020 was published in the December 15, 2011, issue of the *Missouri Register* (36 MoReg 2920-2922) as it appears here. A public hearing for the proposed amendment to 20 CSR 100-5.020 was held sooner than thirty (30) days after its publication in the *Missouri Register* and had to be rescheduled. This resulted in an extension of the end of the public comment period. This proposed amendment is being republished in the *Missouri Register* to give adequate notice for the new public hearing date and end of public comment period. The proposed amendment is being republished in its entirety to add a new hearing date for the proposed amendment. Please see the Notice of Hearing at the end of the proposed amendment for the new date and time.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 100—Insurer Conduct
Chapter 5—Health Care Consumer Procedures**

PROPOSED AMENDMENT

20 CSR 100-5.020 Grievance Review Procedures. The division is adding new sections (2), (7)–(9), and (15)–(17); amending old sections (6), (7), (9), and (10); and renumbering as needed.

PURPOSE: This amendment sets forth with greater specificity the procedures by which the department will process a grievance concerning an adverse determination by a health carrier or its designee for a health plan that has a managed care component, to comply with federal standards. This rule is promulgated pursuant to section 376.1399, RSMo, and implements section 376.1387, RSMo.

(2) As used in this rule, “enrollee’s representative” or “representative” means—

(A) A person to whom an enrollee has given express written consent to represent the enrollee in an external review;

(B) A person authorized by law to provide substituted consent for an enrollee; or

(C) A family member of the enrollee or the enrollee’s treating health care professional only when the enrollee is unable to provide consent.

[(2)](3) When a health carrier, as defined by section 376.1350(22), RSMo, or their designee utilization review organization issues an adverse determination, as defined by section 376.1350(1), RSMo, to an enrollee in a health plan that has a managed care component, the enrollee or his/her representative may file a grievance with the director without exhausting all remedies available under the carrier’s grievance process. Medicaid participants also may use the division’s grievance process in an effort to resolve an adverse determination; however, the director may not have the authority to issue an order in such cases.

[(3)](4) A health carrier or plan sponsor also may file a grievance with the director concerning an adverse determination.

[(4)](5) A grievance will be processed by the division as any other consumer complaint. The division will assign the grievance a file number. The division will send an inquiry to the health carrier (or party) which is complained against requesting the health carrier (or party) to respond in writing with their position and all supporting documentation concerning the matter grieved. The division will attempt to resolve the issue with the health carrier (or party).

[(5)](6) If the director determines a grievance is unresolved after completion of the division’s consumer complaint process, the director shall refer the unresolved grievance to an independent review

organization (IRO). An unresolved grievance shall include a difference of opinion between a treating health care professional and the health carrier concerning the medical necessity, appropriateness, health care setting, level of care, or effectiveness of a health care service.

(7) The director shall seek the services of an IRO(s) by competitive bid pursuant to Chapter 34, RSMo. Any IRO selected through the competitive bid process shall be accredited by a nationally recognized private accrediting organization. The department shall maintain a current list of IROs under contract with the department on its website.

(8) An IRO shall maintain written policies and procedures governing all aspects of the external review process that include a quality assurance mechanism that, at a minimum—

(A) Ensures the selection of qualified and impartial clinical peers to conduct external reviews on behalf of the IRO;

(B) Ensures assignment of clinical peers to specific cases related to their area(s) of expertise;

(C) Ensures that the IRO employs or contracts with an adequate number of clinical peers to meet the foregoing objectives;

(D) Ensures that external reviews are conducted within the specified time frames and required notices are provided in a timely manner;

(E) Ensures the confidentiality of medical and treatment records and clinical review criteria; and

(F) Ensures that any person employed by or under contract with the IRO adheres to the requirements of subsections (8)(D) and (8)(E).

(9) An IRO may not own or control, be a subsidiary of, or in any way be owned or controlled by, or exercise control with a health carrier; a national, state, or local trade association of health carriers; or a national, state, or local trade association of health care providers. Neither the IRO selected to conduct the external review nor the clinical peer assigned by the IRO to conduct the external review may have a material, professional, familial, or financial conflict of interest with any of the following:

(A) The health carrier that is the subject of the external review;

(B) The enrollee whose treatment is the subject of the external review or the enrollee’s authorized representative;

(C) Any officer, director, or management employee of the health carrier that is the subject of the external review;

(D) The health care provider, the health care provider’s medical group, or independent practice association recommending the health care service or treatment that is the subject of the external review;

(E) The facility at which the recommended health care service or treatment would be provided, if known; or

(F) The developer or manufacturer of the principal drug, device, procedure, or other therapy being recommended for the enrollee whose treatment is the subject of the external review.

[(6)](10) The director will provide the IRO and [upon request] the enrollee, enrollee’s representative, or health carrier copies of all medical records and any other relevant documents which the division has received from any party. The enrollee, enrollee’s representative, and health carrier may review all the information submitted to the IRO for consideration.

[(7)](11) The enrollee, enrollee’s representative, or health carrier may also submit additional information to the division which the division shall forward to the IRO. All additional information must be received by the division. If an enrollee, enrollee’s representative, or health carrier has information which contradicts information already provided the IRO, they should provide it as additional information.

All additional information should be received by the division within fifteen (15) working days from the date the division mailed that party copies of the information provided the IRO. An envelope's postmark shall determine the date of mailing. Information may be submitted to the division by means other than mail if it is in writing, typeset, or easily transferred into typeset by the division's technology and a date of transmission is easily determined by the division. **Any additional information submitted by the enrollee or the enrollee's representative shall be reviewed by the IRO when conducting the external review.** At the director's discretion, additional information which is received past the fifteen- (15)-working-day deadline may be submitted to the IRO.

[(8)](12) The IRO shall request from the division any additional information it wants. The division shall gather the requested information from an enrollee, enrollee's representative, or health carrier or other appropriate entity and provide it to the IRO. If the division is unable to obtain the requested information, the IRO shall base its opinion on the information already provided.

[(9)](13) Within twenty (20) calendar days of *[receiving all material]* the receipt of the request for external review, the IRO shall submit to the director its opinion of the issues reviewed. *[[f]]* Under exceptional circumstances, if the IRO requires additional time to complete its review, it should request in writing from the director an extension in the time to process the review, **not to exceed five (5) calendar days.** Such a request should include the reasons for the request and a specific time at which the review is expected to be complete.

[(10)](14) After the director receives the IRO's opinion, the director shall issue a decision which shall be binding upon the enrollee and the health carrier. **The director's decision shall be in writing and must be provided to the enrollee and health carrier within twenty-five (25) calendar days of receiving the IRO's opinion.** In no event shall the time between the date the IRO receives the request for external review and the date the enrollee and the health carrier are notified of the director's decision be longer than forty-five (45) days.

(15) An enrollee or enrollee's representative or health carrier may request an expedited external review if the adverse determination—

(A) Concerns an admission, availability of care, continued stay, or health care service for which the enrollee received emergency services, but has not been discharged from a facility; or

(B) Involves a medical condition for which the delay occasioned by the standard external review time frame would jeopardize the life or health of the enrollee or jeopardize the enrollee's prognosis or ability to regain maximum function.

(16) As expeditiously as possible after receipt of the request for expedited external review by the IRO, the IRO must issue its opinion as to whether the adverse determination should be upheld or reversed and submit its opinion to the director. As expeditiously as possible, but within no more than seventy-two (72) hours after the receipt of the request for expedited external review by the IRO, the director shall issue notice to the enrollee and the health carrier of the director's determination and may issue a decision to uphold or reverse the adverse determination. If the notice is not in writing, the director must provide the written decision within forty-eight (48) hours after the date of the notice of the determination.

(17) If a request for external review of an adverse determination involves a denial of coverage based on a determination that the health care service or treatment recommended or requested is experimental or investigational, the following additional require-

ments must be met:

(A) The IRO shall make a preliminary determination as to whether the recommended or requested health care service or treatment that is the subject of the adverse determination is a covered benefit under the person's health benefit plan except for the health carrier's determination that the service or treatment is experimental or investigational for a particular medical condition; and is not explicitly listed as an excluded benefit under the enrollee's health benefit plan with the health carrier;

(B) The request for external review of an adverse determination involving a denial of coverage based on a health carrier's determination that the health care service or treatment recommended or requested is experimental or investigational must include a certification from the enrollee's physician that—

1. Standard health care services or treatments have not been effective in improving the condition of the enrollee; or

2. Standard health care services or treatments are not medically appropriate for the enrollee; or

3. There is no available standard health care service or treatment covered by the health carrier that is more beneficial than the recommended or requested health care service or treatment; and

4. The request for external review of an adverse determination involving the denial of coverage based on a determination that the requested treatment is experimental or investigational shall also include documentation a) that the enrollee's treating physician has recommended a health care service or treatment that the physician certifies, in writing, is likely to be more beneficial to the enrollee, in the physician's opinion, than any available standard health care services or treatments; or b) that the enrollee's treating physician, who is a licensed, board-certified, or board-eligible physician qualified to practice in the area of medicine appropriate to treat the enrollee's condition, has certified in writing that scientifically valid studies using accepted protocols demonstrate that the health care service or treatment requested by the enrollee that is the subject of the adverse determination is likely to be more beneficial to the enrollee than any available standard health care services or treatments;

(C) When conducting such an external review, the IRO must select one (1) or more clinical peers, who must be physicians or other health care professionals who meet minimum qualifications and through clinical experience in the past three (3) years are experts in the treatment of the enrollee's condition and knowledgeable about the recommended or requested health care service or treatment. Each clinical peer shall provide a written opinion to the assigned IRO on whether the recommended or requested health care service or treatment should be covered; and

(D) Each such clinical peer's opinion submitted to the IRO shall include the following information:

1. A description of the enrollee's medical condition;

2. A description of the indicators relevant to determining whether there is sufficient evidence to demonstrate that the recommended or requested health care service or treatment is more likely than not to be beneficial to the enrollee than any available standard health care services or treatments and the adverse risks of the recommended or requested health care service or treatment would not be substantially increased over those of available standard health care services or treatments;

3. A description and analysis of any medical or scientific evidence considered in reaching the opinion;

4. Information on whether the reviewer's rationale for the opinion is based upon whether the recommended or requested health care service or treatment has been approved by the federal Food and Drug Administration for the condition, or whether medical or scientific evidence or evidence-based standards demonstrate that the expected benefits of the recommended or requested health care service or treatment is more likely than not to be beneficial to the covered person than any available standard

health care service or treatment and the adverse risks of the recommended or requested health care service or treatment would not substantially be increased over those of available standard health care services or treatments; and

5. A description and analysis of any evidence-based standard.

AUTHORITY: section[s] 376.1387, RSMo 2000, and sections 374.045 and 376.1399, RSMo Supp. [2007] 2011. Original rule filed Nov. 3, 1997, effective June 30, 1998. Amended: Filed Nov. 1, 2007, effective July 30, 2008. Emergency amendment filed Nov. 15, 2011, effective Jan. 1, 2012, expires June 28, 2012. Amended: Filed Nov. 15, 2011.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing is scheduled for 10:30 a.m. on March 5, 2012. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Insurance, Financial Institutions and Professional Registration, Attention Tamara W. Kopp, PO Box 690, Jefferson City, MO 65102. To be considered, comments must be received by 5 p.m. on March 5, 2012.

SPECIAL NEEDS: If you have any special needs addressed by the Americans with Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 200—Insurance Solvency and Company
Regulation
Chapter 18—Service Contracts**

PROPOSED RULE

20 CSR 200-18.030 Licensure of Motor Vehicle Extended Service Contract Producers

PURPOSE: This rule effectuates and aids in the interpretation of sections 385.200 to 385.220, RSMo, by defining “affiliated entities,” “authorized employees,” and “subsidiaries,” and setting the fees for applications.

(1) Definitions. As used in section 385.206, RSMo, the following terms shall mean:

(A) “Administrative fee,” a fee charged by a motor vehicle service contract provider upon the cancellation of a motor vehicle extended service contract by a service contract holder;

(B) “Affiliated entity,” any company in the same corporate system as a parent, or a member organization by virtue of common ownership, control, operation, or management;

(C) “Authorized employee,” an individual who meets the following criteria:

1. Is employed full time or part time by one (1) of the following entities listed in section 385.206, RSMo: a motor vehicle dealer; a manufacturer of motor vehicles; a federally insured depository institution; a lender; a provider; or an administrator under contract to effect coverage, collect provider fees, and settle claims on behalf

of a provider;

2. Has been granted authority by such entity to sell, offer, negotiate, or solicit motor vehicle extended service contracts in Missouri on behalf of the entity;

3. Is not an employee or independent contractor of any person, except an administrator, required to hold a motor vehicle extended service contract producer license under section 385.206, RSMo, in order to sell, offer, negotiate, or solicit a motor vehicle extended service contract in Missouri; and

4. Is identified by the entity as an “authorized employee” in a record available to the director under section 385.210, RSMo; and

(D) “Subsidiary,” an affiliated entity that is under the control of a provider.

(2) Application and Fees. Application for a motor vehicle extended service contract producer license shall include the following, as applicable:

(A) Initial Licensure.

1. Individual motor vehicle extended service contract producer.

A. A completed application form, as prescribed by the director.

B. Twenty-five dollar (\$25)-application fee.

2. Business entity motor vehicle extended service contract producer.

A. A completed application form, as prescribed by the director.

B. One hundred dollar (\$100)-application fee; and

(B) Renewal.

1. Individual motor vehicle extended service contract producer.

A. A completed renewal application form, as prescribed by the director, submitted no fewer than sixty (60) calendar days prior to the license expiration date.

B. Twenty-five dollar (\$25)-application fee;

2. Business entity.

A. A completed renewal application form, as prescribed by the director, submitted no fewer than sixty (60) calendar days prior to the license expiration date.

B. One hundred dollar (\$100)-application fee.

AUTHORITY: sections 374.045, 385.207, and 385.218, RSMo Supp. 2011. Emergency rule filed Dec. 29, 2011, effective Jan. 9, 2012, expires July 6, 2012. Original rule filed Dec. 29, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately seventeen thousand seven hundred fifty dollars (\$17,750) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 9:30 a.m. on March 6, 2012. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on March 6, 2012. Written statements shall be sent to Andy Heitmann, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PRIVATE COST**

I. RULE NUMBER

Rule Number and Name:	20 CSR 200-18.030 Licensure of Motor Vehicle Extended Service Contract Producers
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
40	Motor vehicle extended service contract business entity producer applicants	\$4,000
550	Individual motor vehicle extended service contract producer applicants	\$13,750

III. WORKSHEET

Entity Type	Estimated number of entities	Licensing fees for initial licensure	Total	Aggregate Total
Motor vehicle extended service contract business entity producers	40	(40 x \$100)	\$4,000	\$4,000 + \$13,750
Individual motor vehicle extended service contract producers	550	(550 x \$25)	\$13,750	\$17,750

IV. ASSUMPTIONS

Approximately 40 motor vehicle extended service contract business entity producers are expected to apply for licensure. Approximately 500 to 600 individual motor vehicle extended service contract producer are expected to apply for licensure. For the sake of simplicity, the estimate was simplified to 550 individual applicants.

The licensing fee for motor vehicle extended service contract business entity producers is \$100. The licensing fee for individual motor vehicle extended service contract producers is \$25. The license is effective for two years. Because license applications have not yet been approved or

refused, because of the high turnover of individual producers in the industry and because the future market for motor vehicle extended service contracts and the effects of a regulated environment and competition on the industry are difficult to predict, this note has not attempted to project the number of applicants that will renew a license, nor the number of times that licenses may be renewed. However, under the proposed rule, renewal fees are identical to initial licensure fees. In the unlikely event that each initial applicant is granted a license and renews the license, the resulting private cost would be identical to the above calculations.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 700—Insurance Licensing
Chapter 1—Insurance Producers**

PROPOSED RULE

20 CSR 700-1.160 Licensing and Authorization of Portable Electronics Insurance Producers and Related Entities

PURPOSE: This rule effectuates and aids in the interpretation of sections 379.1500 to 379.1550, RSMo, by defining “authorized representative” and “employee” and setting fees for initial and renewal applications.

(1) Definitions. As used in sections 379.1500 to 379.1550, RSMo, and in the regulations promulgated thereto, the following terms shall mean:

(A) “Authorized representative,” any person contracted with, or that has other written authorization from a vendor to sell, solicit, or negotiate portable electronics insurance on behalf of the vendor, under the authority of the vendor’s portable electronics insurance producer license and under the vendor’s policy of portable electronics insurance; and

(B) “Employee,” individual who is employed part time or full time by a vendor and is authorized by the vendor to sell, solicit, or negotiate portable electronics insurance on behalf of the vendor, under the authority of the vendor’s portable electronics insurance producer license and under the vendor’s policy of portable electronics insurance.

(2) Application and Fees. Application for a portable electronics insurance license shall include the following, as applicable:

(A) Initial Licensure.

1. Vendor with ten (10) or fewer locations.

A. A completed applications form, as prescribed by the director.

B. One hundred dollar (\$100)-application fee.

C. Notice that each location authorized to sell, solicit, or negotiate portable electronics insurance has the brochures and actual policies or certificates of coverage required under section 379.1510, RSMo.

2. Vendor with more than ten (10) locations.

A. A completed application form, as prescribed by the director.

B. One thousand dollar (\$1,000)-application fee.

C. Notice that each location authorized to sell, solicit, or negotiate portable electronics insurance has the brochures and actual policies or certificates of coverage required under section 379.1510, RSMo; and

(B) Renewal Application.

1. Vendor with ten (10) or fewer locations.

A. A completed application form, as prescribed by the director.

B. Fifty dollar (\$50)-application fee.

C. Notice that each location authorized to sell, solicit, or negotiate portable electronics insurance has the brochures and actual policies or certificates of coverage required under section 379.1510, RSMo.

2. Vendor with more than ten (10) locations.

A. A completed application form, as prescribed by the director.

B. Five hundred dollar (\$500)-application fee.

C. Notice that each location authorized to sell, solicit, or negotiate portable electronics insurance has the brochures and actual policies or certificates of coverage required under section 379.1510, RSMo.

AUTHORITY: sections 379.1550 and 374.045, RSMo Supp. 2011. Emergency rule filed Dec. 29, 2011, effective Jan. 9, 2012, expires July 6, 2012. Original rule filed Dec. 29, 2011.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rule will cost private entities approximately ten thousand five hundred dollars (\$10,500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: A public hearing will be held on this proposed rule at 9:30 a.m. on March 6, 2012. The public hearing will be held at the Harry S Truman State Office Building, Room 530, 301 West High Street, Jefferson City, Missouri. Opportunities to be heard at the hearing shall be afforded to any interested person. Interested persons, whether or not heard, may submit a written statement in support of or in opposition to the proposed rule, until 5:00 p.m. on March 6, 2012. Written statements shall be sent to Andy Heitmann, Department of Insurance, Financial Institutions and Professional Registration, PO Box 690, Jefferson City, MO 65102.

SPECIAL NEEDS: If you have any special needs addressed by the Americans With Disabilities Act, please notify us at (573) 751-2619 at least five (5) working days prior to the hearing.

**FISCAL NOTE
PRIVATE COST****I. RULE NUMBER**

Rule Number and Name:	20 CSR 700-1.160, Licensing and Authorization of Portable Electronics Insurance Producers and Related Entities
Type of Rulemaking:	Proposed Rule

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by types of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
	Licensed vendors with 10 or fewer locations	
	Licensed vendors with more than 10 locations	

III. WORKSHEET

Vendor type	Estimated number of vendors	Licensing fees for initial licensure	Total	Aggregate Total
10 or fewer locations	5	(5 x \$100)	\$500	\$500 + \$10,000
More than 10 locations	10	(10 x \$1,000)	\$10,000	\$10,500

IV. ASSUMPTIONS

It is unknown how many vendors will apply for licensure under this rule. Vendors are not currently licensed by the Department and it is unknown how many entities will pursue licensure as a vendor. The number is for illustrative purposes only.

The licensing fees for initial licensure are \$1,000 for a vendor with more than 10 locations and \$100 for a vendor with 10 or fewer locations.

The licensing fees for renewal licensure are \$500 for a vendor with more than 10 locations and \$50 for a vendor with 10 or fewer locations.

A license is effective for two years, so every two years a license must be renewed or it will expire. Although future renewals are too uncertain to be included in this estimate, if the above estimations are accurate and vendors renew, the total aggregate private cost resulting from each renewal will be \$5,250.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 1—Organization

PROPOSED RESCISSION

20 CSR 2150-1.011 Public Complaint Handling and Disposition Procedure. The Missouri State Board of Registration for the Healing Arts receives public complaints concerning alleged violations of Chapter 334, RSMo. The board also receives from the director of the Department of Insurance reports of claims for medical malpractice. Beginning January 1, 1987, the board will receive from the executive officers of hospitals and ambulatory surgical centers reports regarding disciplinary actions and voluntary resignations relative to licensed health care professionals. This rule established a procedure for the handling of public complaints, reports of claims for medical malpractice, and reports for disciplinary actions and voluntary resignations.

PURPOSE: This rule is being rescinded and readopted to update the existing rule to allow for electronic recordkeeping as opposed to requiring hard copies to be stored within the office.

AUTHORITY: section 334.125, RSMo 1986. This rule originally filed as 4 CSR 150-1.011. Original rule filed Oct. 3, 1986, effective Dec. 15, 1986. Moved to 20 CSR 2150-1.011, effective Aug. 28, 2006. Rescinded: Filed Jan. 3, 2012.

PUBLIC COST: This proposed rescission will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed rescission will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rescission with the Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

Chapter 1—Organization

PROPOSED RULE

20 CSR 2150-1.011 Complaint and Report Handling and Disposition Procedure

PURPOSE: This rule establishes a procedure for the handling of complaints, reports of claims for medical malpractice, and reports for disciplinary actions and voluntary resignations.

(1) Complaints concerning alleged violations of Chapter 334, RSMo, shall be handled as follows:

(A) Any member of the public or the profession, or any federal, state, or local official, may make and file a complaint with the board based upon personal knowledge or upon information received from

other sources. The complaint may be against any licensee, permit holder, registrant of the board, or unlicensed individual or entity and may allege acts or practices which may constitute a violation of any provision of Chapter 334, RSMo. No member of the board shall file a complaint with this board while holding that office unless that member is excused from further board deliberations or activity concerning the matters alleged within that complaint. The executive director or any administrative staff member of the board may file a complaint in the same manner as any member of the public;

(B) Each complaint must be typed or hand written and signed by the complainant. Oral, telephone, email, or unsigned written communications will be considered at the discretion of the board. Complaints shall fully identify the nature of the complaint; list the name, address, and telephone number of the complainant; and be mailed or delivered to the following address: Missouri State Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102;

(C) Each complaint received under this section shall be logged in and maintained by the board. The log shall contain, if known by the board—

1. A record of each complainant's name and address;
2. The name and address of the subject of the complaint;
3. The date each complaint is received by the board;
4. A brief statement of the acts complained of, including the name of any person injured, aggrieved, or victimized by the alleged acts or practices;
5. A notation indicating whether the complaint resulted in its dismissal by the board, whether formal charges have been or will be filed with the Administrative Hearing Commission, or what the ultimate disposition of the complaint was; and
6. Further information as the board may direct;

(D) Each complaint made in accordance with this rule shall be acknowledged in writing and may be investigated by the board. If a complaint is investigated, the complainant shall be informed in writing after the investigation is completed as to the ultimate disposition of the complaint. The provisions of this subsection shall not apply to complaints filed by staff members of the board based on information and belief, acting in reliance on third-party information received by the board; and

(E) Each complaint investigated shall be reviewed and pursued as provided in section (4) of this rule.

(2) Reports of claims for medical malpractice received from the Department of Insurance, Financial Institutions and Professional Registration (DIFP) or from the licensee shall be handled as follows:

(A) Each medical malpractice report received from the DIFP or from the licensee shall be logged in and maintained by the board. The log shall include:

1. Name and address of the subject of the report;
2. Date each report is received by the board;
3. Brief statement of the acts, including the name of any person injured, aggrieved, or victimized by the alleged acts or practices;
4. Ultimate disposition of the complaint; and
5. Further information as the board may direct; and

(B) Supporting files or records, or both, shall be established and maintained as deemed necessary.

(3) Reports of disciplinary actions and voluntary resignations received from executive officers of hospitals, ambulatory surgical centers, nursing facilities, or entities that employ or contract with licensed health care professionals shall be handled as follows:

(A) Each report received shall be logged in and maintained by the board. The log shall include:

1. Name and address of the subject of the report;
2. Date each report is received by the board;
3. Brief statement of the acts, including the name of any person injured, aggrieved, or victimized by the alleged acts or practices;
4. Ultimate disposition of the complaint; and

5. Further information as the board may direct; and
(B) Supporting files or records, or both, shall be established and maintained as deemed necessary.

(4) Complaints, reports of claims for medical malpractice, and disciplinary actions, and voluntary resignations received from chief executive officers of any hospital, ambulatory surgical center, nursing facility, or entity that employs or contracts with licensed health care professionals shall be processed and pursued as follows:

(A) After logging in each complaint or report, each complaint or report shall be reviewed by the board's complaint review committee or a medical staff officer. The complaint review committee or medical staff officer shall review the complaint or report and either issue a request to the investigative manager for investigation and records, forward a copy of the complaint to the licensee for a response, request records, or forward the complaint to the board for their review and decision;

(B) If the complaint or report is forwarded to the investigative manager, he/she shall establish an investigation file and assign it to an investigator with such direction as he/she deems appropriate. Upon receipt of an investigation assignment, the investigator shall conduct the investigation as he/she deems appropriate or as directed by the investigative manager;

(C) Upon completion of the investigation, the investigator shall submit a written report to the investigative manager for a report review. The investigative manager shall review the report and either direct further investigation or deliver the report to the medical staff officer for review;

(D) Upon receipt of a report from the investigative manager, the medical staff officer shall review the report and either return the report to the investigative manager for further investigation or deliver the report to the board;

(E) Upon receipt of a report, the board shall review the report and either return the report to the medical staff officer or investigative manager for further review or investigation, return the report to the investigative manager for closing, forward the report to the board's attorney for legal proceedings, or take or direct such further actions as the board deems appropriate;

(F) The medical staff officer, investigative manager, investigator, or board may contact the board's attorneys for assistance in obtaining records or subpoenas, or for assistance or direction during the course of the review or investigation; and

(G) The executive director of the board may alter the procedure set forth in this section for investigating and reviewing any complaint or report as he/she deems appropriate.

(5) The board's investigation and subsequent litigation is not limited to or by the scope of the complaints, reports of claims for medical malpractice, or reports of disciplinary action or voluntary resignation received from hospitals, ambulatory surgical centers, nursing facilities, and entities that employ or contract with licensed health care professionals.

AUTHORITY: section 334.125, RSMo 2000. This rule originally filed as 4 CSR 150-1.011. Original rule filed Oct. 3, 1986, effective Dec. 15, 1986. Moved to 20 CSR 2150-1.011, effective Aug. 28, 2006. Rescinded and readopted: Filed Jan. 3, 2012.

PUBLIC COST: This proposed rule will cost state agencies or political subdivisions approximately five hundred thousand nine hundred twenty-nine dollars (\$500,929) to five hundred sixty-three thousand sixty-eight dollars (\$563,068) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed rule with the Board of

*Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2150 - State Board of Registration for the Healing Arts

Chapter 1 - Organization

Proposed Rule - 20 CSR 2150-1.011 Public Complaint Handling and Disposition Procedure

Prepared September 28, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Cost of Compliance
State Board of Registration for the Healing Arts	\$500,929.40 to \$563,068.15
	Annual Cost of Compliance for the Life of the Rule \$500,929.40 to \$563,068.15

III. WORKSHEET

The board receives approximately 1376 complaints annually. These come in the form of malpractice claims (MP), consumer complaints (Inv.), and disciplinary action reports from employers (Inv.). The board handles them on a case-by-case basis and the personnel and expense estimates are shown below.

Principle Assistant (Executive Director) - serves as the senior executive officer of the licensing agency.

Medical Director - directs medical review program for physicians licensed by the board.

Investigation Manager - directs or assists in the overall planning, development, and administration of the board investigative program.

Office Support Assistant - provides administrative support and assists with complaints and investigations.

Legal Counsel - provides legal assistance to the board.

Medical Staff Officers (Medical Consultant) - Assists in providing consultation and expert medical evaluation and advice to the board on the medical/technical evaluation of malpractice cases, consumer complaints and investigations. Advises and generally assists the Board and the medical director in planning and developing goals and objectives for the board. Investigates and evaluates medical malpractice reports and complaints, and prepares reports on findings. Reviews and evaluates federal and state legislation, rules and regulations for their impact on the operation of the Board.

Investigator II - conducts investigations and inspections, serves notices, and gathers information required by the board.

Board Members - review complaints and render decisions in compliance with chapter 334, RSMo.

Personal Service Dollars

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER LICENSEE	COST PER ITEM	NUMBER OF ITEMS	TOTAL COST
Executive Director	\$70,000 to \$77,000	\$106,638 to \$117,302	\$51.27 to \$56.40	\$0.85 to \$0.94	10 minutes	\$8.54 to \$9.40	Initial review of 990 complaints (Inv.)	\$8,459.26 to \$9,305.19
Medical Director	\$109,524 to \$116,028	\$166,849 to \$176,757	\$80.22 to \$84.98	\$1.34 to \$1.42	10 minutes	\$13.37 to \$14.16	Initial review of 1,376 complaints (Inv. & MP)	\$18,396.16 to \$19,488.60
Investigation Manager	\$38,700 to \$62,952	\$58,956 to \$95,901	\$28.34 to \$46.11	\$0.47 to \$0.77	10 minutes	\$4.72 to \$7.68	Initial review of 990 complaints (Inv.)	\$4,676.76 to \$7,607.54
Office Support Assistant	\$21,372 to \$23,064	\$32,558 to \$35,136	\$15.65 to \$16.89	\$0.26 to \$0.28	15 minutes	\$3.91 to \$4.22	Initial review of 990 complaints (Inv.)	\$3,874.10 to \$4,180.81
Medical Staff Officers	\$100,380 to \$100,380	\$152,919 to \$152,919	\$73.52 to \$73.52	\$1.23 to \$1.23	30 minutes	\$36.76 to \$36.76	Review of 999 complaints (Inv. & MP)	\$36,722.59 to \$36,722.59
Investigator II	\$34,644 to \$37,968	\$52,777 to \$57,840	\$25.37 to \$27.81	\$0.42 to \$0.46	20 hours	\$507.47 to \$556.16	352 Investigations	\$178,628.73 to \$195,767.68
Legal Counsel	\$50,000 to \$55,000	\$76,170 to \$83,787	\$36.62 to \$40.28	\$0.61 to \$0.67	1 hour	\$36.62 to \$40.28	Extensive review and assistance 5 cases	\$183.10 to \$201.41
Executive Director	\$70,000 to \$77,000	\$106,638 to \$117,302	\$51.27 to \$56.40	\$0.85 to \$0.94	1 hour	\$51.27 to \$56.40	Final review of 1,376 complaints (Inv. & MP)	\$70,545.14 to \$77,599.65
Office Support Assistant	\$21,372 to \$23,064	\$32,558 to \$35,136	\$15.65 to \$16.89	\$0.26 to \$0.28	15 minutes	\$3.91 to \$4.22	Final review of 1,376 complaints (Inv. & MP)	\$5,384.61 to \$5,810.90

Personal Service Dollars (Cont'd)

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURL Y SALARY	COST PER MINUTE	TIME PER LICENSEE	COST PER ITEM	NUMBER OF ITEMS	TOTAL COST
Legal Counsel	\$50,000 to \$55,000	\$76,170 to \$83,787	\$36.62 to \$40.28	\$0.61 to \$0.67	30 minutes	\$18.31 to \$20.14	Final review of 626 Investigations	\$11,462.12 to \$12,608.33
Medical Director	\$109,524 to \$116,028	\$166,849 to \$176,757	\$80.22 to \$84.98	\$1.34 to \$1.42	1 hour	\$80.22 to \$84.98	Final review of 1,376 complaints (Inv. & MP)	\$110,376.94 to \$116,931.59
Investigation Manager	\$38,700 to \$62,952	\$58,956 to \$95,901	\$28.34 to \$46.11	\$0.47 to \$0.77	1 hour	\$28.34 to \$46.11	Final review of 1,376 complaints (Inv. & MP)	\$39,001.38 to \$63,442.25
9 Board Members	n/a	n/a	\$6.25	\$0.10	1 hour	\$6.25 per board member	Final review of 1,376 complaints (Inv. & MP)	\$8,600.00
Total Personal Service Costs								\$496,127.80 to \$558,266.55

Expense and Equipment Dollars

Item	Cost	Quantity	Total Cost Per
Correspondence	\$0.65	1376	\$894.40
Travel Expense	.37 cents per mile @ 30 miles	352	\$3,907.20
Total Expense and Equipment			\$4,801.60

IV. ASSUMPTIONS

1. The figures reported above are based on FY 2011 actuals.
2. The costs shown on this fiscal note are reflective of the current practice of the board and therefore are not new expenses to the board. They are being shown as a result of the rescission and readoption of this rule in accordance with 536.200, RSMo.
2. Employee's salaries were calculated using the annual salary multiplied by 52.34% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of the specified item. The total cost was based on the cost per item multiplied by the estimated number of items.
3. The board assumes that at least one correspondence mailing will be sent to each complainant and licensee.
4. The travel expenses are based on gas expenses for an investigation average roundtrip of 30 miles at \$0.37 per mile.
5. It is anticipated that the total costs will recur annually for the life of the rule, may vary with inflation, and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 3—Licensing of Physical Therapists and
Physical Therapist Assistants**

PROPOSED AMENDMENT

20 CSR 2150-3.203 Acceptable Continuing Education. The board is proposing to add subsections (5)(M) and (5)(N).

PURPOSE: This amendment sets forth the requirements for licensed physical therapists and licensed physical therapist assistants who act as clinical instructors for a student enrolled in a Commission on Accreditation in Physical Therapy Education accredited physical therapist or physical therapist assistant program.

(5) Acceptable continuing education is automatically approved if such course or activity is obtained as follows:

(M) All licensed physical therapists who act as a clinical instructor for a student enrolled in a Commission on Accreditation in Physical Therapy Education (CAPTE) accredited physical therapist or physical therapist assistant program or who supervise an American Physical Therapy Association approved physical therapist resident or fellow will be granted one (1) contact hour for every one hundred twenty (120) total hours of supervision. The maximum total of contact hours per reporting period shall be five (5). A certificate of completion of these hours from the academic institution or residency or fellowship program shall be the necessary documentation to submit proof.

(N) All licensed physical therapist assistants who act as a clinical instructor for a student enrolled in a CAPTE accredited physical therapist assistant program will be granted one (1) contact hour for every one hundred twenty (120) total hours of supervision. The maximum total of contact hours per reporting period shall be five (5). A certificate of completion of these hours from the academic institution shall be the necessary documentation to submit proof.

AUTHORITY: sections 334.125 and 334.507, RSMo 2000. This rule originally filed as 4 CSR 150-3.203. Original rule filed May 14, 1999, effective Dec. 30, 1999. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

PROPOSED AMENDMENT

20 CSR 2150-4.201 Supervision Requirements. The board is proposing to amend section (3), delete section (4), renumber the remaining sections, and amend the new sections (4)–(8) and (11).

PURPOSE: This amendment will allow fewer restrictions for speech-language pathology assistant supervision in all employment settings, especially the schools.

(3) The supervising speech-language pathologist has the responsibility of ensuring and protecting the interests of all patients and/or clients **and/or students** at all times during which the assistant is practicing and/or interacting with patients and/or clients **and/or students**; this responsibility includes the supervisor's and the assistant's compliance with the ethical standards of practice as specified in rule 20 CSR 2150-4.080.

[(4) The supervising speech-language pathologist shall ensure that the scope and intensity of the assistant's training encompasses all of the activities assigned to the assistant.]

*[(5)](4) The supervising speech-language pathologist shall provide the assistant with information **in writing** specifying the assistant's role and function as well as specifying the role and function of the supervising speech-language pathologist. **Such information shall be maintained by the supervisor and assistant for a period of eight (8) years.***

*[(6)](5) The supervising speech-language pathologist shall provide *[continuing opportunities to ensure]* **written direction for continuing education activities to ensure** that the speech-language pathology assistant's practices are current and skills are maintained. **Such information shall be maintained by the supervisor and assistant for a period of eight (8) years.***

*[(7)](6) The supervising speech-language pathologist shall directly supervise the assistant's initial *[client]* contact **with each patient/client/student**. Thereafter, *[one out of every three sessions for each client shall be directly supervised]* **a minimum of one (1) hour per week of direct supervision shall be provided for each assistant supervised**. Direct supervision is defined as on-site **observation**, in view of the assistant and patient/client/student. If an alternative arrangement is necessary, the supervising speech-language pathologist must submit a proposed plan of supervision for the review of the advisory commission and board to determine if the supervision plan is acceptable. *[All other client contacts shall be indirectly supervised. Indirect methods of supervision such as audio or video tape recording, telephone communication, numerical data, or other means of reporting may be utilized.]* **Supervision shall be distributed across the patient/client/student caseload as appropriate to ensure adequate oversight.***

*[(8)](7) The supervising speech-language pathologist must be available for the purpose of providing guidance and support to the assistant at all times, *[via]* **which can include but is not limited to**, telephone *[contact]*, facsimile, *[etc]* or other electronic communication; face-to-face communication; or other appropriate communication means. If the supervising speech-language pathologist is temporarily unavailable, a qualified speech-language pathologist alternate may be designated to meet this requirement. **Written communication shall be provided by the supervising speech-language pathologist to the assistant that identifies the alternate and the period of temporary supervision.***

[(9)](8) The supervising speech-language pathologist shall review and sign all patient/client/student documented progress notes written by the speech-language pathology assistant.

[(10)](9) The supervising speech-language pathologist shall assign and the assistant shall accept only those duties and responsibilities for which the assistant has been specifically trained and is qualified to perform, pursuant to the judgement of the supervising speech-language pathologist, and in compliance with the provisions of Chapter 345, RSMo.

[(11)](10) The speech-language pathology assistant shall maintain supervisory logs and the speech-language pathologist shall sign verifying the hours of supervision per month, such logs shall be made available to the board within thirty (30) days upon receipt of a request for such logs from the board.

[(12)](11) The maximum number of speech-language pathology assistants supervised by one [licensee] (1) **speech-language pathologist** shall not exceed [one (1)] **three (3) at one (1) time**.

AUTHORITY: sections 345.015, 345.022, and 345.030, RSMo Supp. [2007] 2011. This rule originally filed as 4 CSR 150-4.201. Original rule filed July 31, 2000, effective Feb. 28, 2001. Moved to 20 CSR 2150-4.201, effective Aug. 28, 2006. Amended: Filed Dec. 14, 2007, effective June 30, 2008. Amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2150—State Board of Registration for the
Healing Arts
Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

PROPOSED AMENDMENT

20 CSR 2150-4.203 Scope of Practice. The board is proposing to amend sections (2)–(4).

PURPOSE: This amendment will allow fewer restrictions for speech-language pathology assistant practice in all employment settings, especially the schools.

(2) At the initial contact with [the] **an adult patient [or] client or guardian/designated caregiver** the speech-language pathology assistant shall identify themselves as a speech-language pathology assistant and explain that they do not act independently but under the direction and supervision of a licensed speech-language pathologist. **For students eligible for special education services pursuant to section 162.700, RSMo, such identification shall be provided to parents/guardians and other participants in an individualized education program meeting.**

(3) The activities of a speech-language pathology assistant may include, but not be all inclusive of the following:

(C) Documenting patient [and/or] client/**student** progress toward meeting established objectives as specified in the treatment **or special education** plan, with documentation review by the supervising speech-language pathologist;

(D) Reporting changes in a patient's [and/or] client's/**student's** performance and progress to the supervising speech-language pathologist;

(E) Assisting the supervising speech-language pathologist during the assessment of a patient [and/or] client/**student**;

(H) Communicating with a patient [and/or] client/**student**, or a patient's [and/or] client's/**student's** family, staff, etc., regarding the patient [and/or] client/**student** status as directed by the supervising speech-language pathologist;

(J) Participating with the supervising speech-language pathologist in research projects, in-service training, public relation programs, or similar activities; **or**

(4) Speech-language pathology assistants shall not (this list is not intended to be all inclusive):/—

[(A)] **Interpret screenings;**

[(B)](A) Conduct and/or interpret evaluations;

[(C)](B) Make diagnostic statements **or special education eligibility determinations;**

[(D)](C) Determine case selections;

[(E)](D) Interpret observations and/or data;

[(F)](E) Refer a patient [and/or] client/**student** to other professionals, agencies, or individuals for services;

[(G)](F) Write, develop, or modify a patient's [and/or] client's/**student's** treatment **or special education** plan;

[(H)](G) Assist with the treatment of a patient [and/or] client/**student** without following an individualized treatment **or special education** plan prepared by the supervising speech-language pathologist;

[(I)](H) Discharge a patient [and/or] client/**student** from treatment;

[(J)](I) Provide **therapeutic** counseling to a patient [and/or] client/**student** and/or the patient's [and/or] client's/**student's** family;

[(K)](J) Perform any procedure for which the assistant is not qualified to perform, or has not been adequately trained to perform, or both;

[(L)](K) Disclose clinical or **educational** confidential information either orally or in writing to anyone not designated by the supervising speech-language pathologist;

[(M)](L) Present written reports to anyone other than the supervising speech-language pathologist, without the supervisor's signature and approval;

[(N)](M) Sign any formal documents without review, authorization and/or co-signature of the supervising speech-language pathologist;

[(O)](N) Use any title other than speech-language pathology assistant.

AUTHORITY: sections 345.015 and 345.030, RSMo Supp. [1999] 2011. This rule originally filed as 4 CSR 150-4.203. Original rule filed July 31, 2000, effective Feb. 28, 2001. Moved to 20 CSR 2150-4.203, effective Aug. 28, 2006. Amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received

within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2150—State Board of Registration for the
Healing Arts**

**Chapter 4—Licensing of Speech-Language Pathologists
and Audiologists**

PROPOSED AMENDMENT

20 CSR 2150-4.205 Procedural Process for Registration. The board is proposing to amend section (2) and subsections (2)(A) and (2)(B), add paragraphs (2)(A)1.-3. and subsection (2)(C), and re-letter the remaining sections accordingly.

PURPOSE: This amendment will allow pre-service training programs at the universities to adjust their undergraduate programs to articulate with the credentialing requirement changes of SLP-A. This change will assist in the marketing of the credential as a career option.

(2) An application will not be considered as officially submitted unless completely filled out, properly attested, and the application fee has been received by the board. The application fee must be drawn on a United States bank. The following documents are necessary to be filed with the board in order to deem the application complete:

(A) Applicants must furnish official transcripts from one (1) or more accredited colleges or universities, confirming a bachelor's degree in speech-language pathology or equivalent. [Such transcripts shall evidence completion of the coursework and clinical practicum requirements equivalent to that required by the Council on Academic Accreditation of the American Speech-Language-Hearing Association.] Transcripts shall detail all coursework [and clinical practicum hours] and document the degree(s) awarded and area(s) of emphasis[;]. An equivalent degree is a bachelor's degree issued by a program as the prerequisite for entry into a master's degree program that meets the requirements of the council on academic accreditation of the American Speech-Language-Hearing Association or other bachelor's degree with—

1. At least twenty-one (21) semester hours in speech-language pathology and/or audiology that address the speech pathology content areas of anatomy and physiology, phonetics, speech-language development, speech-language disorders including both developmental and acquired, and clinical methods;

2. At least twenty-five (25) hours of documented clinical observation in the area of speech-language pathology; and

3. At least twenty-five (25) hours of documented clinical assisting or clinical practicum experience in the area of speech-language pathology;

(B) [Internationally trained applicants graduating from a college or university which is not approved and accredited by the American Speech-Language-Hearing Association shall be required to obtain a credential evaluation verifying that the applicant's professional degree is equivalent to a degree obtained by an institution approved and accredited by the American Speech-Language-Hearing Association. The credentialing evaluation service must be approved by the commission;] Applicants shall furnish documentation as specified by the commission to verify meeting the requirements of subsection (2)(A);

(C) Degrees and/or coursework received at foreign universities shall be acceptable only if such coursework and clinical

practicum hours are verified as meeting the requirements of subsection (2)(A). A credentialing service approved by the commission shall be used to determine if such degrees and/or coursework are equivalent;

[(C)](D) All applicants shall furnish a statement from a speech-language pathologist holding current unrestricted licensure to practice in the state of Missouri pursuant to section 345.015(10), RSMo, acknowledging acceptance of the legal and ethical responsibilities for supervising the applicant;

[(D)](E) Verification of licensure, registration, and/or certification to practice in other states or territories shall be submitted to the board directly from the issuing agency, documenting their record of the applicant, if applicable; and

[(E)](F) All applicants shall present with the application a recent, unmounted, identifiable photograph not larger than three and one-half inches by five inches (3 1/2" × 5") nor smaller than two inches by three inches (2" × 3").

AUTHORITY: sections 345.015, 345.030, and 345.050, RSMo Supp. [2006] 2011, and section 334.125 [and 345.030], RSMo 2000. This rule originally filed as 4 CSR 150-4.205. Original rule filed July 31, 2000, effective Feb. 28, 2001. Amended: Filed April 15, 2004, effective Oct. 30, 2004. Moved to 20 CSR 2150-4.205, effective Aug. 28, 2006. Amended: Filed July 11, 2007, effective Jan. 30, 2008. Amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Registration for the Healing Arts, PO Box 4, Jefferson City, MO 65102, by facsimile at (573) 751-3166, or via email at healingarts@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the *Missouri Register*. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2205—Missouri Board of Occupational Therapy
Chapter 3—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2205-3.010 Application for Licensure as an Occupational Therapist. The board is proposing to amend section (1).

PURPOSE: This amendment sets forth the fingerprinting requirements for applicants.

(1) Application for licensure shall be submitted on the forms provided by the board. A limited permit holder may submit an addendum to his/her original application on forms provided by the board. Forms may be obtained by contacting the Missouri Board of Occupational Therapy. All original applications shall include proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor. If a background check for the purposes of obtaining a license through the board has been completed within

the last six (6) months, then no additional background check needs to be completed.

AUTHORITY: section[s 324.050,] 324.056, [324.065, 324.068, 324.071,] RSMo 2000, and sections 43.543, 324.050, 324.065, 324.068, 324.071, and 324.086, RSMo Supp. [2001] 2011. This rule originally filed as 4 CSR 205-3.010. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed Nov. 30, 2001, effective June 30, 2002. Moved to 20 CSR 2205-3.010, effective Aug. 28, 2006. Amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately one hundred eighty dollars to one hundred ninety-five dollars and eleven cents (\$180 to \$195.11) annually for the life of the rule and will increase revenue for the Missouri State Highway Patrol by approximately fifteen thousand six hundred sixty dollars (\$15,660) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately fifteen thousand six hundred sixty dollars (\$15,660) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Occupational Therapy, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at ot@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2205 - Missouri Board of Occupational Therapy

Chapter 3 - Licensure Requirements

Proposed Amendment - 20 CSR 2205-3.010 Application for Licensure as an Occupational Therapist

Prepared December 30, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Increase in Revenue	
Missouri State Highway Patrol		\$15,660.00
	Total Annual Increase in Revenue for the Life of the Rule	\$15,660.00

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
Missouri Board of Occupational Therapy		\$180.00 to \$195.11
	Total Annual Cost of Compliance for the Life of the Rule	\$180.00 to \$195.11

III. WORKSHEET

The Licensure Technician II provides technical support, processes applications for licensure, and responds to inquiries related to the licensure law and/or rules and regulations.

Personal Service Dollars

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Licensure Technician II	\$24,576 to \$26,640	\$37,439 to \$40,583	\$18.00 to \$19.51	\$0.30 to \$0.33	2 minutes	\$0.60 to \$0.65	300 Applicants	\$180.00 to \$195.11
Total Personal Service Costs								\$180.00 to \$195.11

IV. ASSUMPTION

- Employee's salaries were calculated using the annual salary multiplied by 52.34% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
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- It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, the private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2205 - Missouri Board of Occupational Therapy

Chapter 3 - Licensure Requirements

Proposed Amendment - 20 CSR 2205-3.010 Application for Licensure as an Occupational Therapist

Prepared December 30, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
300	Applicants for Licensure as an Occupational Therapist (Background check @ \$52.50)	\$15,660
Estimated Annual Cost of Compliance for the Life of the Rule		\$15,660

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY11 projections.
2. The fee due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway patrol or its approved vendor.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2205—Missouri Board of Occupational Therapy
Chapter 3—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2205-3.020 Application for Licensure as an Occupational Therapy Assistant. The board is proposing to amend section (1).

PURPOSE: This amendment sets forth the fingerprinting requirements for applicants.

(1) Application for licensure shall be submitted on the forms provided by the board. A limited permit holder may submit an addendum to his/her original application on forms provided by the board. Forms may be obtained by contacting the Missouri Board of Occupational Therapy. **All original applications shall include proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor. If a background check for the purposes of obtaining a license through the board has been completed within the last six (6) months, then no additional background check needs to be completed.**

AUTHORITY: section[s 324.050,] 324.056, [324.065, 324.068, 324.071,] RSMo 2000, and sections 43.543, 324.050, 324.065, 324.068, 324.071, and 324.086, RSMo Supp. [2001] 2011. This rule originally filed as 4 CSR 205-3.020. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed Nov. 30, 2001, effective June 30, 2002. Moved to 20 CSR 2205-3.020, effective Aug. 28, 2006. Amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately one hundred eighty dollars to one hundred ninety-five dollars and eleven cents (\$180 to \$195.11) annually for the life of the rule and will increase revenue for the Missouri State Highway Patrol by approximately fifteen thousand six hundred sixty dollars (\$15,660) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately fifteen thousand six hundred sixty dollars (\$15,660) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Occupational Therapy, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at ot@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2205 - Missouri Board of Occupational Therapy

Chapter 3 - Licensure Requirements

Proposed Amendment - 20 CSR 2205-3.020 Application for Licensure as an Occupational Therapist Assistant

Prepared December 30, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Increase in Revenue	
Missouri State Highway Patrol		\$15,660.00
	Total Annual Increase in Revenue for the Life of the Rule	\$15,660.00

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
Missouri Board of Occupational Therapy		\$180.00 to \$195.11
	Total Annual Cost of Compliance for the Life of the Rule	\$180.00 to \$195.11

III. WORKSHEET

The Licensure Technician II provides technical support, process applications for licensure, and responds to inquiries related to the licensure law and/or rules and regulations.

Personal Service Dollars

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Licensure Technician II	\$24,576 to \$26,640	\$37,439 to \$40,583	\$18.00 to \$19.51	\$0.30 to \$0.33	2 minutes	\$0.60 to \$0.65	300 Applicants	\$180.00 to \$195.11
Total Personal Service Costs								\$180.00 to \$195.11

IV. ASSUMPTION

- Employee's salaries were calculated using the annual salary multiplied by 52.34% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
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- It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, the private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2205 - Missouri Board of Occupational Therapy****Chapter 3 - Licensure Requirements****Proposed Amendment - 20 CSR 2205-3.020 Application for Licensure as an Occupational Therapist Assistant**

Prepared December 30, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT**First Year of Implementation of Rule**

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
300	Applicants for Licensure as an Occupational Therapist Assistant (Background check @ \$52.50)	\$15,660
	Estimated Annual Cost of Compliance for the Life of the Rule	\$15,660

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY11 projections.
2. The fee due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway patrol or its approved vendor.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2205—Missouri Board of Occupational Therapy
Chapter 3—Licensure Requirements**

PROPOSED AMENDMENT

20 CSR 2205-3.030 Application for Limited Permit. The board is proposing to amend section (1).

PURPOSE: This amendment sets forth the fingerprinting requirements for applicants.

(1) Application for an occupational therapist limited permit and/or occupational therapy assistant limited permit shall be submitted on the forms provided by the board and may be obtained by contacting the Missouri Board of Occupational Therapy. **All original applications shall include proof of submission of fingerprints to the Missouri State Highway Patrol's approved vendor for both a Missouri State Highway Patrol and Federal Bureau of Investigation fingerprint background check. Any fees due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway Patrol or its approved vendor.**

AUTHORITY: section[s 324.050,] 324.056, [324.065, 324.068 and 324.077,] RSMo 2000, and sections 43.543, 324.050, 324.065, 324.068, 324.077, and 324.086, RSMo Supp. [2003] 2011. This rule originally filed as 4 CSR 205-3.030. Original rule filed Aug. 4, 1998, effective Dec. 30, 1998. Amended: Filed June 1, 2000, effective Nov. 30, 2000. Amended: Filed Oct. 30, 2002, effective April 30, 2003. Amended: Filed Dec. 15, 2003, effective June 30, 2004. Moved to 20 CSR 2205-3.030, effective Aug. 28, 2006. Amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will cost state agencies or political subdivisions approximately one hundred eighty dollars to one hundred ninety-five dollars and eleven cents (\$180 to 195.11) annually for the life of the rule and will increase revenue for the Missouri State Highway Patrol by approximately fifteen thousand six hundred sixty dollars (\$15,660) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE COST: This proposed amendment will cost private entities approximately fifteen thousand six hundred sixty dollars (\$15,660) annually for the life of the rule. It is anticipated that the costs will recur for the life of the rule, may vary with inflation, and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Board of Occupational Therapy, PO Box 1335, Jefferson City, MO 65102, by facsimile at (573) 526-3489, or via email at ot@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2205 - Missouri Board of Occupational Therapy

Chapter 3 - Licensure Requirements

Proposed Amendment - 20 CSR 2205-3.030 Application for Limited Permit

Prepared December 30, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Increase in Revenue	
Missouri State Highway Patrol		\$15,660.00
	Total Annual Increase in Revenue for the Life of the Rule	\$15,660.00

Affected Agency or Political Subdivision	Estimated Cost of Compliance	
Missouri Board of Occupational Therapy		\$180.00 to \$195.11
	Total Annual Cost of Compliance for the Life of the Rule	\$180.00 to \$195.11

III. WORKSHEET

The Licensure Technician II provides technical support, process applications for licensure, and responds to inquiries related to the licensure law and/or rules and regulations.

Personal Service Dollars

STAFF	ANNUAL SALARY RANGE	SALARY TO INCLUDE FRINGE BENEFIT	HOURLY SALARY	COST PER MINUTE	TIME PER APPLICATION	COST PER APPLICATION	NUMBER OF ITEMS	TOTAL COST
Licensure Technician II	\$24,576 to \$26,640	\$37,439 to \$40,583	\$18.00 to \$19.51	\$0.30 to \$0.33	2 minutes	\$0.60 to \$0.65	300 Applicants	\$180.00 to \$195.11
Total Personal Service Costs								\$180.00 to \$195.11

IV. ASSUMPTION

- Employee's salaries were calculated using the annual salary multiplied by 52.34% for fringe benefits and then divided by 2080 hours per year to determine the hourly salary. The hourly salary was then divided by 60 minutes to determine the cost per minute. The cost per minute was then multiplied by the amount of time individual staff spent on the processing of applications or renewals. The total cost was based on the cost per application multiplied by the estimated number of applications.
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- It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and are expected to increase at the rate projected by the Legislative Oversight Committee.

NOTE: The public fiscal note for this rule only reflects the cost for this particular process. However, the private entity fees are set at an amount to cover the total actual cost incurred by the office, which includes personal service, expense and equipment and transfers.

PRIVATE ENTITY FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2205 - Missouri Board of Occupational Therapy

Chapter 3 - Licensure Requirements

Proposed Amendment - 20 CSR 2205-3.030 Application for Limited Permit

Prepared December 30, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

First Year of Implementation of Rule

Estimate the number of entities by class which would likely be affected by the adoption of the proposed rule:	Classification by type of the business entities which would likely be affected:	Estimated cost of compliance with the rule by affected entities:
300	Applicants for Licensure as an Occupational Therapist Assistant (Background check @ \$52.50)	\$15,660
Estimated Annual Cost of Compliance for the Life of the Rule		\$15,660

III. WORKSHEET

See table above.

IV. ASSUMPTION

1. The above figures are based on FY11 projections.
2. The fee due for fingerprint background checks shall be paid by the applicant directly to the Missouri State Highway patrol or its approved vendor.
3. It is anticipated that the total costs will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2220—State Board of Pharmacy
Chapter 2—General Rules**

PROPOSED AMENDMENT

20 CSR 2220-2.145 Minimum Standards for Multi-Med Dispensing. The board is proposing to amend section (2) of the rule.

PURPOSE: This amendment will allow pharmacists to modify patient med paks in accordance with the prescriber's directions and to include single unit patient med paks under the provisions of the rule.

(2) A patient med pak is a package prepared by a pharmacist for a specific patient comprising [a series of] **one (1) or more** containers and containing two (2) or more prescribed solid oral dosage forms. The patient med pak is so designed or each container is so labeled as to indicate the day and time, or period of time that the contents within each container are to be taken.

(H) Once a patient med pak has been delivered to an institution or to a patient it shall not be returned to the pharmacy[.], **unless the following requirements are met:**

1. The med pak is returned to the pharmacy from which it was originally dispensed;
2. The med pak is modified/repackaged, per prescription order, for the same patient to whom it was originally dispensed;
3. The med pak is labeled in compliance with the requirements of this rule, provided the med pak shall retain the original beyond use date assigned to the med pak before modification/repackaging;
4. The med pak is assigned a new serial number;
5. The medications removed from the med pak are destroyed in compliance with state and federal law. In no event shall medication removed from a med pak be returned to stock/inventory or dispensed to another patient; and
6. Licensees shall comply with all applicable record-keeping requirements.

(J) Except as otherwise allowed in subsection (H) of this section, once a drug has been commingled with other drugs in a med pak the drug may not be returned to stock, dispensed, or distributed except for destruction purposes.

AUTHORITY: sections 338.010[,] and 338.140, RSMo [1994] Supp. 2011, and sections 338.059, RSMo [Supp. 1999] 2000. This rule originally filed as 4 CSR 220-2.145. Original rule filed March 15, 2000, effective Sept. 30, 2000. Moved to 20 CSR 2220-2.145, effective Aug. 28, 2006. Amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Board of Pharmacy, PO Box 625, 3605 Missouri Boulevard, Jefferson City, MO 65102, by facsimile at (573) 526-3464, or via email at pharmacy@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2270—Missouri Veterinary Medical Board
Chapter 1—General Rules**

PROPOSED AMENDMENT

20 CSR 2270-1.021 Fees. The board is proposing to remove paragraphs (1)(A)2. and (1)(B)2.-3., renumber the remaining paragraphs accordingly, and to amend paragraph (1)(C)4.

PURPOSE: The board is proposing to remove the state board examination fee for veterinarians and veterinary technicians and the national examination fee for veterinary technicians due to the exams becoming computerized and the applicants paying the testing organizations directly.

(1) The following fees are established by the Missouri Veterinary Medical Board:

(A) Veterinarians—

1. Registration Fee	\$ 50
[2. <i>State Board Examination Fee</i>	<i>\$ 100</i>]
[3.]2. Reciprocity Fee	\$150
[4.]3. Grade Transfer Fee	\$150
[5.]4. Faculty License Fee	\$200
[6.]5. Temporary or Provisional License Fee	\$ 25
A. Temporary or Provisional License Extension	\$ 10
[7.]6. Annual Renewal Fee—	
A. Active	\$ 50
B. Inactive	\$ 25
C. Faculty	\$ 50
[8.]7. Late Renewal Penalty Fee	\$100
[9.]8. Name Change Fee	\$ 15
[10.]9. Wall Hanging Replacement Fee	\$ 15

(B) Veterinary Technicians—

1. Registration Fee	\$ 50
[2. <i>State Board Examination Fee</i>	<i>\$ 30</i>
3. <i>National Examination Fee</i>	<i>\$200</i>]
[4.]2. Reciprocity Fee	\$ 50
[5.]3. Grade Transfer Fee	\$ 50
[6.]4. Provisional Registration Fee	\$ 50
[7.]5. Annual Renewal Fee—	
A. Active	\$ 20
B. Inactive	\$ 10
[8.]6. Late Renewal Penalty Fee	\$ 50
[9.]7. Name Change Fee	\$ 15
[10.]8. Wall Hanging Replacement Fee	\$ 15

(C) Facility Permit Fee—

1. Initial Application Fee	\$100
2. Change of Ownership Fee	\$100
3. Change of Physical Address Fee	\$100
4. Annual [Review] Renewal Fee	\$ 25
5. Change of Function Fee	\$ 25
6. Change of Facility Name Fee	\$ 25
7. Late Renewal Penalty Fee	\$ 50

AUTHORITY: sections 340.210 and 340.232, RSMo 2000. This rule originally filed as 4 CSR 270-1.021. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars (\$500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars (\$500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, by facsimile at (573) 526-3856, or via email at vets@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

PROPOSED AMENDMENT

20 CSR 2270-2.031 Examinations. The board is proposing to amend section (1); add section (2); renumber the remaining sections; and amend the new sections (3), (5), and (6).

PURPOSE: This amendment will provide clarity to applicants that they must submit their application and fee to the Missouri Veterinary Medical Board and the National Board of Veterinary Medical Examiners (NBVME) and the fee for the Missouri State Board Examination before they will be approved to take the national and state examinations.

(1) All applicants for licensure as veterinarians in Missouri shall take both—

(B) The **Missouri** State Board Examination.

1. The deadline for applying to take the **Missouri** State Board Examination shall be sixty (60) days prior to the scheduled date of examination.

(2) Applicants shall submit—

(A) The application for licensure and the registration fee to the **Missouri Veterinary Medical Board**;

(B) The NAVLE application and fee directly to the **National Board of Veterinary Medical Examiners (NBVME)**; and

(C) The fee for the **Missouri State Board Examination** to the board's designated testing agency.

//(2)/(3) The passing score on the NAVLE shall be the minimum criterion referenced score as provided by the testing agency. The passing score on the **Missouri** State Board Examination shall be seventy percent (70%).

//(3)/(4) The requirements for transfer of the NAVLE scores are described under section 340.234, RSMo.

//(4)/(5) The NAVLE and the **Missouri** State Board Examinations will be administered at least once each year. Veterinary students within six (6) months of graduation may apply to take all of the required exams. However, no license will be issued until an official certified transcript verifying receipt of the degree in veterinary medicine is received by the board office sent by the degree-granting institution. It shall be the student's responsibility to arrange with the school or university for the transmitting of the official transcript to the board office.

//(5)/(6) All applicants for veterinary licensure in Missouri shall take the **Missouri** State Board Examination and may be requested to meet with the board. In order to qualify for licensure, a passing score on the **Missouri** State Board Examination must have been received within two (2) years of issuance of the license.

*AUTHORITY: section 340.210, RSMo 2000, and section 340.234, RSMo Supp. [2008] 2011. This rule originally filed as 4 CSR 270-2.031. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Jan. 3, 2011.*

PUBLIC COST: This proposed amendment will result in a loss of revenue for state agencies or political subdivisions of approximately seven thousand nine hundred twenty dollars (\$7,920) annually for the life of the rule.

PRIVATE COST: This proposed amendment will save private entities approximately seven thousand nine hundred twenty dollars (\$7,920) annually for the life of the rule.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, by facsimile at (573) 526-3856, or via email at vets@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

PUBLIC FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2270 - Missouri Veterinary Medical Board****Chapter 2 - Licensure Requirements for Veterinarians****Proposed Amendment - 20 CSR 2270-2.031 Examinations**

Prepared December 30, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Decrease in Revenue	
Missouri Veterinary Medical Board	\$7,920.00	
	Total Annual Decrease in Revenue for the Life of the Rule	\$7,920.00

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. Currently, veterinary examination applicants pay fees for the Missouri State Board Examination directly to the Missouri Veterinary Medical Board. This is considered a pass through fee, as the board contracts with Applied Measurement Professionals (AMP) for services relating to the administration of the Missouri State Board Examination. The examination fees are set by the AMP for the Missouri State Board Examination. Examination fees will now be paid directly to AMP. Therefore, the board will receive less revenue.
2. It is anticipated that the total decrease in revenue will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2270 - Missouri Veterinary Medical Board

Chapter 2 - Licensure Requirements for Veterinarians

Proposed Amendment - 20 CSR 2270-2.031 Examinations

Prepared December 30, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost savings of compliance with the amendment by affected entities:
176	Veterinarian Board Exam Fees (Board Examination Fee Decrease @ \$45.00)	\$7,920.00
	Estimated Annual Cost Savings for the Life of the Rule	\$7,920.00

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The figures reported above are based on FY11 actuals.
2. The Missouri Veterinary Medical Board contracts with Applied Measurement Professionals (AMP) for services relating to the administration of the Missouri State Board Examination. The testing agency sets the fee for the examination and the board has no statutory authority to determine the amount of this fee. However, the board has historically collected the fee from the applicant and then has been obligated to pay the testing agency. As the testing agency has increased the fee for each examination, the board has been required to raise the exam fee by rule amendment or absorb the increased cost.
3. Fees charged by the board are set at an amount to cover the total costs incurred by the office, which include personal service, expense and equipment, and transfers. Currently, the fee charged by the board for the veterinary examination is higher than the fee charged by the testing agency. Therefore, exam applicants will save money by paying the fee directly to the testing agency.
4. It is anticipated that the total savings will recur for the life of the rule, may vary with inflation and are expected to increase/decrease at the rate projected by the Legislative Oversight Committee.

5. Expenses related to an individual's requirement to meet with the board is not calculated in this fiscal note due to various geographic locations of the individual and other variables such as hotel and meal expenses.

Note: The board is statutorily obligated to enforce and administer the provisions of chapter 340, RSMo. Pursuant to section 340.210, RSMo, the board shall by rule and regulation set the amount of fees authorized by chapter 340, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of chapter 340, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION**

**Division 2270—Missouri Veterinary Medical Board
Chapter 2—Licensure Requirements for Veterinarians**

PROPOSED AMENDMENT

20 CSR 2270-2.041 Reexamination. The board is proposing to amend section (1), add section (2), and renumber the remaining section.

PURPOSE: This amendment will provide clarity to applicants that they must submit their application and fee to the Missouri Veterinary Medical Board and the National Board of Veterinary Medical Examiners (NBVME) and the fee for the Missouri State Board Examination before they will be approved to retake the national and state examinations.

(1) Any applicant who fails an examination for licensure as a veterinarian may be reexamined by making application to the board office and paying the appropriate nonrefundable examination fee and registration fee and provide two (2) additional photographs. The deadline for applying to retake the North American Veterinary Licensing Examination (NAVLE) shall be August 1 and January 3 prior to each test window and the Missouri State Board Examination shall be thirty (30) days prior to the scheduled examinations.

(2) Applicants shall submit—

(A) The application for licensure and the registration fee to the Missouri Veterinary Medical Board;

(B) The NAVLE application and fee directly to the National Board of Veterinary Medical Examiners (NBVME); and

(C) The fee for the Missouri State Board Examination to the board's designated testing agency.

[(2)](3) Effective August 28, 1999, no person may take any examination more than four (4) times either in or out of Missouri to qualify for licensure in Missouri. Prior to making application for the fourth attempt at passage of the examination, the applicant shall schedule an appearance with the board to outline a continuing education program which shall be board approved and completed prior to filing an application for the subsequent examination.

AUTHORITY: sections 340.210 and 340.232, RSMo 2000. This rule originally filed as 4 CSR 270-2.041. Original rule file Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the Code of State Regulations. Amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will result in a loss of revenue for state agencies or political subdivisions of approximately forty-five dollars (\$45) annually for the life of the rule.

PRIVATE COST: This proposed amendment will save private entities approximately forty-five dollars (\$45) annually for the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, by facsimile at (573) 526-3856, or via email at vets@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the Missouri Register. No public hearing is scheduled.

PUBLIC FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2270 - Missouri Veterinary Medical Board****Chapter 2 - Licensure Requirements for Veterinarians****Proposed Amendment - 20 CSR 2270-2.041 Reexamination**

Prepared December 30, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Decrease in Revenue	
Missouri Veterinary Medical Board	\$45.00	
	Total Annual Decrease in Revenue for the Life of the Rule	\$45.00

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. Currently, veterinary re-examination applicants pay fees for the Missouri State Board Examination directly to the Missouri Veterinary Medical Board. This is considered a pass through fee, as the board contracts with Applied Measurement Professionals (AMP) for services relating to the administration of the Missouri State Board Examination. The re-examination fees are set by the AMP for the Missouri State Board Examination. Examination fees will now be paid directly to AMP. Therefore, the board will receive less revenue.
2. It is anticipated that the total decrease in revenue will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2270 - Missouri Veterinary Medical Board

Chapter 2 - Licensure Requirements for Veterinarians

Proposed Amendment - 20 CSR 2270-2.041 Reexaminations

Prepared December 30, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost savings of compliance with the amendment by affected entities:
1	Applicants for reexamination (Board Examination Fee Decrease @ \$45.00)	\$45.00
	Estimated Annual Cost Savings for the Life of the Rule	\$45.00

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The figures reported above are based on FY11 actuals.
2. The Missouri Veterinary Medical Board contracts with Applied Measurement Professionals (AMP) for services relating to the administration of the Missouri State Board Examination. The testing agency sets the fee for the reexamination and the board has no statutory authority to determine the amount of this fee. However, the board has historically collected the fee from the applicant and then has been obligated to pay the testing agency. As the testing agency has increased the fee for each examination, the board has been required to raise the reexamination fee by rule amendment or absorb the increased cost.
3. Fees charged by the board are set at an amount to cover the total costs incurred by the office, which include personal service, expense and equipment, and transfers. Currently, the fee charged by the board for the veterinary reexamination is higher than the fee charged by the testing agency. Therefore, reexamination applicants will save money by paying the fee directly to the testing agency.
4. It is anticipated that the total savings will recur for the life of the rule, may vary with inflation and are expected to increase/decrease at the rate projected by the Legislative Oversight Committee.
5. Only one time over the past few years has an individual had to meet with the board before they could take the examination for the fourth time, therefore, costs are not shown as a result of limited incidence.

Note: The board is statutorily obligated to enforce and administer the provisions of chapter 340, RSMo. Pursuant to section 340.210, RSMo, the board shall by rule and regulation set the amount of fees authorized by chapter 340, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of chapter 340, RSMo.

**Title 20—DEPARTMENT OF INSURANCE,
FINANCIAL INSTITUTIONS AND PROFESSIONAL
REGISTRATION
Division 2270—Missouri Veterinary Medical Board
Chapter 3—Registration Requirements for Veterinary
Technicians**

PROPOSED AMENDMENT

20 CSR 2270-3.020 Examinations. The board is proposing to amend section (1), add section (2), renumber the remaining sections, and amend the new sections (3) and (4).

PURPOSE: This amendment establishes deadlines for the three (3) testing windows and clarifies that an applicant must submit an application to both the AAVSB and the Missouri Veterinary Medical Board before they will be approved to take the national and state examinations.

(1) All applicants for registration as a veterinary technician in Missouri shall take **both—**

(A) *[t/The Veterinary Technician National Examination (VTNE).*

1. The deadline for applying to take the VTNE shall be fifteen (15) days prior to the date set by the American Association of Veterinary State Boards (AAVSB); and

(B) *[t/The Missouri State Board Examination.*

1. The deadline for applying to take the State Board *[e/Examination/s/]* shall be sixty (60) days prior to the scheduled *[administration/]* date of the examination*[s/]*.

(2) Applicants shall submit—

(A) **The application for registration and fee to the Missouri Veterinary Medical Board;**

(B) **The VTNE application and fee directly to the American Association of Veterinary State Boards (AAVSB); and**

(C) **The fee for the Missouri State Board Examination to the board's designated testing agency.**

[(2)](3) The passing score on the VTNE shall be the minimum criterion referenced score of four hundred twenty-five (425). The passing score shall be seventy percent (70%) correct on the **Missouri** State Board Examination for the issuance of a registration in this state.

[(3)](4) The VTNE and the **Missouri** State Board Examination shall be administered at least once each year.

[(4)](5) Effective December 31, 2010, an applicant may apply for the examinations during his/her final semester of college, however, to be eligible to sit for the VTNE, the applicant must provide official documentation from the college verifying to the board that the applicant has graduated. However, no certificate of registration will be issued until an official transcript verifying receipt of the degree is received by the board office sent directly by the degree-granting institution. It shall be the applicant's responsibility to arrange with the school or college for the transmitting of the official transcript to the board office.

[(5)](6) Any applicant who fails either of the required examinations for registration as a veterinary technician may retake the failed examination(s) by notifying the board office and paying the appropriate nonrefundable examination fee and registration fee no less than sixty (60) days prior to the scheduled examination. Test scores are valid and will be accepted by the board for a period not to exceed five (5) years.

[(6)](7) Effective August 28, 1999, no person may take either examination more than four (4) times either in or out of Missouri to qual-

ify for registration in Missouri. Prior to making application for the fourth attempt at passage of an examination, the applicant shall schedule an appearance with the board to outline a continuing education program, which shall be board approved and completed prior to filing application for the subsequent examination.

AUTHORITY: sections 340.210, 340.300, 340.302, and 340.308, RSMo 2000. This rule originally filed as 4 CSR 270-3.020. Original rule filed Nov. 4, 1992, effective July 8, 1993. For intervening history, please consult the **Code of State Regulations**. Amended: Filed Jan. 3, 2012.

PUBLIC COST: This proposed amendment will result in a loss of revenue for state agencies or political subdivisions of approximately five thousand six hundred seventy-five dollars (\$5,675) annually for the life of the rule.

PRIVATE COST: This proposed amendment will cost private entities approximately five thousand six hundred seventy-five dollars (\$5,675) annually for the life of the rule.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Veterinary Medical Board, PO Box 633, Jefferson City, MO 65102, by facsimile at (573) 526-3856, or via email at vets@pr.mo.gov. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.

PUBLIC FISCAL NOTE**I. RULE NUMBER****Title 20 - Department of Insurance, Financial Institutions and Professional Registration****Division 2270 - Missouri Veterinary Medical Board****Chapter 3 - Registration Requirements for Veterinary Technicians****Proposed Amendment - 20 CSR 2270-3.020 Examinations**

Prepared December 30, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Affected Agency or Political Subdivision	Estimated Annual Increase in Revenue	
Missouri Veterinary Medical Board		\$5,675.00
	Total Annual Cost of Compliance for the Life of the Rule	\$5,675.00

III. WORKSHEET

See Private Entity Fiscal Note

IV. ASSUMPTION

1. Currently, veterinary technician examination applicants pay fees for the Missouri State Board Examination and the national examination directly to the Missouri Veterinary Medical Board. This is considered a pass through fee, as the board contracts with Applied Measurement Professionals (AMP) for services relating to the administration of the Missouri State Board Examination and the American Association of Veterinary State Boards (AAVSB) for services relating to the administration of the Veterinary Technician National Examination (VTNE). The examination fees are set by the AMP for the Missouri State Board Examination and the AAVSB for the national examination. Examination fees will now be paid directly to AMP and AAVSB. Therefore, the board will receive less revenue.
2. It is anticipated that the total decrease in revenue will recur for the life of the rule, may vary with inflation and is expected to increase at the rate projected by the Legislative Oversight Committee.

PRIVATE FISCAL NOTE

I. RULE NUMBER

Title 20 - Department of Insurance, Financial Institutions and Professional Registration

Division 2270 - Missouri Veterinary Medical Board

Chapter 3 - Registration Requirements for Veterinary Technicians

Proposed Amendment - 20 CSR 2270-3.020 Examinations

Prepared December 30, 2011 by the Division of Professional Registration

II. SUMMARY OF FISCAL IMPACT

Estimate the number of entities by class which would likely be affected by the adoption of the proposed amendment:	Classification by type of the business entities which would likely be affected:	Estimated cost savings of compliance with the amendment by affected entities:
226	Veterinary Technician Applicants for Examination (Board Examination Fee Decrease @ \$45.00)	\$5,650.00
1	Veterinary Technician Applicants for Re-examination (Board Examination Fee Increase @ \$25.00)	\$25.00
Estimated Annual Cost of Compliance for the Life of the Rule		\$5,675.00

III. WORKSHEET

See Table Above

IV. ASSUMPTION

1. The figures reported above are based on FY11 actuals.
2. Currently, veterinary technician examination applicants pay fees for the Missouri State Board Examination and the national examination directly to the Missouri Veterinary Medical Board. This is considered a pass through fee, as the board contracts with Applied Measurement Professionals (AMP) for services relating to the administration of the Missouri State Board Examinations and the American Association of Veterinary State Boards (AAVSB) for services relating to the administration of the Veterinary Technician National Examination (VTNE). The examination fees are set by the AMP for the Missouri State Board Examination and the AAVSB for the national examination. Examination fees will now be paid directly to AMP and AAVSB. Applicants wishing to take the veterinary technician examinations will now have to pay an additionally \$25.00 as a result of VTNE's examination fee increase.
3. It is anticipated that the total cost will recur for the life of the rule, may vary with inflation and is expected to increase/decrease at the rate projected by the Legislative Oversight Committee.

4. Only one time over the past few years has an individual had to meet with the board before they could take the examination for the fourth time, therefore, costs are not shown as a result of limited incidence.

Note: The board is statutorily obligated to enforce and administer the provisions of Chapter 340 RSMo. Pursuant to Section 340.210, RSMo, the board shall by rule and regulation set the amount of fees authorized by Chapter 340, RSMo so that the revenue produced is sufficient, but not excessive, to cover the cost and expense to the board for administering the provisions of Chapter 340, RSMo.

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its order of rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the proposed rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 2—DEPARTMENT OF AGRICULTURE Division 70—Plant Industries Chapter 45—Noxious Weed Rules

ORDER OF RULEMAKING

By the authority vested in the Department of Agriculture under section 263.190, RSMo Supp. 2011, the director adopts a rule as follows:

2 CSR 70-45.005 Noxious Weed List is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 17, 2011 (36 MoReg 2159). No changes have been made in the text of the proposed rule, so it is not reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 9—DEPARTMENT OF MENTAL HEALTH Division 10—Director, Department of Mental Health Chapter 31—Reimbursement for Services

ORDER OF RULEMAKING

By the authority vested in the Director of the Department of Mental Health under sections 630.050 and 633.401, RSMo Supp. 2011, the director amends a rule as follows:

9 CSR 10-31.030 Intermediate Care Facility for the Mentally Retarded Federal Reimbursement Allowance is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2011 (36 MoReg 2097). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 16—RETIREMENT SYSTEMS Division 50—The County Employees' Retirement Fund Chapter 2—Membership and Benefits

ORDER OF RULEMAKING

By the authority vested in the County Employees' Retirement Fund Board of Directors under section 50.1032, RSMo 2000, the board amends a rule as follows:

16 CSR 50-2.035 Payment of Benefits is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 3, 2011 (36 MoReg 2103–2104). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

Title 20—DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION Division 2220—State Board of Pharmacy Chapter 2—General Rules

ORDER OF RULEMAKING

By the authority vested in the Missouri Board of Pharmacy under sections 338.056, 338.059, 338.196, 338.250, 338.280, and 338.343, RSMo 2000 and sections 338.010, 338.055, 338.140, 338.150, 338.210, 338.220, and 338.240, RSMo Supp. 2011, the Missouri Board of Pharmacy adopts a rule as follows:

20 CSR 2220-2.675 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on October 3, 2011 (36 MoReg 2107–2115). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: The Missouri Board of Pharmacy received three (3) comments on the proposed rule, as summarized below.

COMMENT #1: Section (9) of the proposed rule authorizes manually written prescription label information "or" prescription label numbers. However, section 338.059, RSMo, requires both written label information "and" written numbering.

RESPONSE AND EXPLANATION OF CHANGE: The board

amended the proposed rule to be consistent with section 338.059, RSMo.

COMMENT #2: The board received a comment from the Missouri Agribusiness Association (MO-AG) requesting clarification on licensure requirements for entities operating several locations under the same ownership/association and for entities solely engaged in receiving shipments of medications for delivery/customer pickup.

RESPONSE: The commenter requested general clarification on the scope of the enabling legislation and Missouri's definition of a "pharmacy." The comment did not raise specific concerns regarding the proposed rule language. Accordingly, no changes to the rule have been made in response to the comment. However, the board met with representatives of MO-AG and MFA, Inc. to discuss the statutory language and related licensure requirements. The board will continue to work with MO-AG and other related entities to provide guidance.

COMMENT #3: The board received a comment that the proposed section (10) incorrectly references subsection (8)(B) instead of section (8).

RESPONSE AND EXPLANATION OF CHANGE: The proposed rule has been amended to correctly reference section (8).

20 CSR 2220-2.675 Standards of Operation/Licensure for Class L Veterinary Pharmacies

(9) Labeling. Prescriptions must be labeled as required by section 338.059, RSMo. Prescription labels may be manually written and numbered and shall include:

(10) Records. Class L pharmacy records shall be maintained as required by Chapter 338, RSMo, and the rules of the board, including, 20 CSR 2220-2.018 and 20 CSR 2220-2.080.

(C) The pharmacy's prescription records shall identify any prescription dispensed in a pharmacist's absence pursuant to section (8) of this rule.

This section may contain notice of hearings, correction notices, public information notices, rule action notices, statements of actual costs, and other items required to be published in the *Missouri Register* by law.

**Title 7—DEPARTMENT OF TRANSPORTATION
Division 10—Missouri Highways and
Transportation Commission
Chapter 25—Motor Carrier Operations**

IN ADDITION

7 CSR 10-25.010 Skill Performance Evaluation Certificates for Commercial Drivers

PUBLIC NOTICE

Public Notice and Request for Comments on Applications for Issuance of Skill Performance Evaluation Certificates to Intrastate Commercial Drivers with Diabetes Mellitus or Impaired Vision.

SUMMARY: This notice publishes MoDOT's receipt of applications for the issuance of Skill Performance Evaluation (SPE) Certificates, from individuals who do not meet the physical qualification requirements in the Federal Motor Carrier Safety Regulations for drivers of commercial motor vehicles in Missouri intrastate commerce, because of impaired vision, or an established medical history or clinical diagnosis of diabetes mellitus currently requiring insulin for control. If granted, the SPE Certificates will authorize these individuals to qualify as drivers of commercial motor vehicles (CMVs), in intrastate commerce only, without meeting the vision standard prescribed in 49 CFR 391.41(b)(10), if applicable, or the diabetes standard prescribed in 49 CFR 391.41(b)(3).

DATES: Comments must be received at the address stated below, on or before March 1, 2012.

ADDRESSES: You may submit comments concerning an applicant, identified by the Application Number stated below, by any of the following methods:

- **Email:** Kathy.Hatfield@modot.mo.gov
- **Mail:** PO Box 893, Jefferson City, MO 65102-0893
- **Hand Delivery:** 1320 Creek Trail Drive, Jefferson City, MO 65109
- **Instructions:** All comments submitted must include the agency name and Application Number for this public notice. For detailed instructions on submitting comments, see the Public Participation heading of the Supplementary Information section of this notice. All comments received will be open and available for public inspection and MoDOT may publish those comments by any available means.

**COMMENTS RECEIVED
BECOME MoDOT PUBLIC RECORD**

- By submitting any comments to MoDOT, the person authorizes MoDOT to publish those comments by any available means.
- **Docket:** For access to the department's file, to read background documents or comments received, 1320 Creek Trail Drive, Jefferson City, MO 65109, between 7:30 a.m. and 4:00 p.m., CT, Monday through Friday, except state holidays.

FOR FURTHER INFORMATION CONTACT: Ms. Kathy Hatfield, Motor Carrier Specialist, (573) 522-9001, MoDOT Motor Carrier Services Division, PO Box 893, Jefferson City, MO 65102-0893. Office hours are from 7:30 a.m. to 4:00 p.m., CT, Monday through Friday, except state holidays.

SUPPLEMENTARY INFORMATION:

Public Participation

If you want us to notify you that we received your comments, please include a self-addressed, stamped envelope or postcard.

Background

The individuals listed in this notice have recently filed applications requesting MoDOT to issue SPE Certificates to exempt them from the physical qualification requirements relating to vision in 49 CFR 391.41(b)(10), or to diabetes in 49 CFR 391.41(b)(3), which otherwise apply to drivers of CMVs in Missouri intrastate commerce.

Under section 622.555, RSMo Supp. 2011, MoDOT may issue a Skill Performance Evaluation Certificate, for not more than a two (2)-year period, if it finds that the applicant has the ability, while operating CMVs, to maintain a level of safety that is equivalent to or greater than the driver qualification standards of 49 CFR 391.41. Upon application, MoDOT may renew an exemption upon expiration.

Accordingly, the agency will evaluate the qualifications of each applicant to determine whether issuing a SPE Certificate will comply with the statutory requirements and will achieve the required level of safety. If granted, the SPE Certificate is only applicable to intrastate transportation wholly within Missouri.

Qualifications of Applicants

Application #MP070605031

Renewal Applicant's Name & Age: William L. Dean, 62

Relevant Physical Condition: Mr. Dean's best-corrected visual acuity in his right eye is 20/20 Snellen and his left eye is 20/60 Snellen, and he has amblyopia in his left eye (lazy left eye).

Relevant Driving Experience: Mr. Dean has been employed as a driver for OATS since May 2006. He has approximately seventeen (17) years of commercial motor vehicle driving experience. He currently has a Class E driver's license. Drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in September 2011, his optometrist certified, "In my medical opinion, Mr. Dean's visual deficiency is stable, he has sufficient vision to perform the driving tasks required to operate a commercial motor vehicle, and his condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations on record.

Application #MP071116055

Renewal Applicant's Name & Age: Cody H. Heckemeyer, 22

Relevant Physical Condition: Mr. Heckemeyer was diagnosed with diabetes mellitus in January 1999. His best-corrected visual acuity is 20/20 Snellen in each eye.

Relevant Driving Experience: Mr. Heckemeyer currently works for a dog food company in Central Missouri. He has approximately two (2) years commercial motor vehicle experience. He drives personal vehicle(s) daily.

Doctor's Opinion & Date: Following an examination in August 2011, his endocrinologist certified, "In my medical opinion, Mr. Heckemeyer's diabetes deficiency is stable, he is capable of performing the driving tasks required to operate a commercial motor vehicle, and the applicant's condition will not adversely affect his ability to operate a commercial motor vehicle safely."

Traffic Accidents and Violations: No accidents or violations within the past three (3) years.

Request for Comments

The Missouri Department of Transportation, Motor Carrier Services Division, pursuant to section 622.555, RSMo, and rule 7 CSR 10-25.010, requests public comment from all interested persons on the applications for issuance of Skill Performance Evaluation Certificates described in this notice. We will consider all comments received before the close of business on the closing date indicated earlier in this notice.

Issued on: December 23, 2011

Jan Skouby, Motor Carrier Services Director, Missouri Department of Transportation.

**Title 19—DEPARTMENT OF HEALTH AND
SENIOR SERVICES
Division 60—Missouri Health Facilities Review
Committee
Chapter 50—Certificate of Need Program**

**NOTIFICATION OF REVIEW:
APPLICATION REVIEW SCHEDULE**

The Missouri Health Facilities Review Committee has initiated review of the applications listed below. A decision is tentatively scheduled for March 5, 2012. These applications are available for public inspection at the address shown below.

Date Filed

Project Number: Project Name
City (County)
Cost, Description

12/30/11

#4738RS: Bickford Senior Living
Raytown (Jackson County)
\$6,650,000, Establish 76-bed ALF

#4739RS: Avalon Memory Care, LLC
St. Louis (St. Louis County)
\$5,399,868, Establish 60-bed ALF

Any person wishing to request a public hearing for the purpose of commenting on these applications must submit a written request to this effect, which must be received by January 30, 2012. All written requests and comments should be sent to—

Chairman
Missouri Health Facilities Review Committee
c/o Certificate of Need Program
3418 Knipp Drive, Suite F
Post Office Box 570
Jefferson City, MO 65102

For additional information contact
Karla Houchins, (573) 751-6403.

STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is a list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. In addition, this list includes contractor(s) that have agreed to placement on the list maintained by the Secretary of State pursuant to Section 290.330 as a part of the resolution of criminal charges of violating the Missouri Prevailing Wage Law. Under this statute, no public body shall award a contract for public works to any contractor or subcontractor, or simulation thereof, during the time that such contractor or subcontractor's name appears on this state debarment list maintained by the Secretary of State.

Contractors Convicted of Violations of the Missouri Prevailing Wage Law

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Rycoblake Corp. Case No. 0916-CR03145 (Jackson County Cir. Ct.)		4212 SE Saddlebrook Cir Lee's Summit, MO 64082	7/13/11	7/13/11 to 7/13/12

Contractors Agreeing to Placement on the Public Works Debarment List as Part of an Agreement Relating to Criminal Pleas

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Rycoblake Corp.		4212 SE Saddlebrook Cir Lee's Summit, MO 64082		7/13/11 to 12/1/12
Gerald Chevalier		4212 SE Saddlebrook Cir Lee's Summit, MO 64082		7/13/11 to 12/1/12

Dated this 2 day of August 2011.



Carla Busch, Director

ADDITION TO STATUTORY LIST OF CONTRACTORS BARRED FROM PUBLIC WORKS PROJECTS

The following is an addition to the list of contractor(s) who have been prosecuted and convicted of violating the Missouri Prevailing Wage Law, and whose Notice of Conviction has been filed with the Secretary of State pursuant to Section 290.330, RSMo. Under this statute, no public body is permitted to award a contract, directly or indirectly, for public works (1) to Mr. Saxon W. Johnson, (2) to any other contractor or subcontractor that is owned, operated or controlled by Mr. Saxon W. Johnson including The Tile Doctor or (3) to any other simulation of Mr. Saxon W. Johnson or of The Tile Doctor for a period of one year, or until September 2, 2012.

<u>Name of Contractor</u>	<u>Name of Officers</u>	<u>Address</u>	<u>Date of Conviction</u>	<u>Debarment Period</u>
Saxon W. Johnson DBA The Tile Doctor Case No. 10CA-CR01318 Cass County Cir. Ct.		10724 Haskins Ct Shawnee Mission, KS 66210	9/2/2011	9/2/2011-9/2/2012

Dated this 13 day of September 2011.


 Carla Buschjost, Director

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000, to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

**NOTICE OF WINDING UP OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
DHST, L.L.C.**

On December 16, 2011, DHST, L.L.C., a Missouri limited liability company ("Company"), filed its Notice of Winding Up with the Missouri Secretary of State, effective on the filing date.

All persons and organizations must submit to Company, c/o Frank C. Carnahan, Carnahan, Evans, Cantwell & Brown, P.C., 2805 S. Ingram Mill, Springfield, Missouri 65804, a written summary of any claims against Company, including: 1) claimant's name, address and telephone number; 2) amount of claim; 3) date(s) claim accrued (or will accrue); 4) brief description of the nature of the debt or the basis for the claim; and 5) if the claim is secured, and if so, the collateral used as security.

Because of the dissolution, any claims against Company will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the last of filing or publication of this Notice.

**NOTICE OF DISSOLUTION AND
WINDING UP OF LIMITED LIABILITY COMPANY**

On December 13, 2011, TMTCo, LLC (f/k/a Trans Metal Transport, LLC) (the "Company") filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Dissolution was effective on December 13, 2011.

Any claims against the Company should be forwarded to Katherine Zogleman, 911 Main, Suite 2800, Kansas City, Missouri 64105.

The claim must include the following information: name, address and telephone number of the claimant; amount of the claim; date the claim accrued or will accrue; a brief description of the nature of the debt or the basis for the claim; whether the claim is secured, and if so, the collateral used as security; and documentation to substantiate the claim.

You are further notified that all claims against the Company shall be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice.

**NOTICE OF DISSOLUTION AND
WINDING UP OF LIMITED LIABILITY COMPANY**

On December 13, 2011, BcCo, LLC (f/k/a B&C Services, LLC) (the "Company") filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Dissolution was effective on December 13, 2011.

Any claims against the Company should be forwarded to Katherine Zogleman, 911 Main, Suite 2800, Kansas City, Missouri 64105.

The claim must include the following information: name, address and telephone number of the claimant; amount of the claim; date the claim accrued or will accrue; a brief description of the nature of the debt or the basis for the claim; whether the claim is secured, and if so, the collateral used as security; and documentation to substantiate the claim.

You are further notified that all claims against the Company shall be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice.

**NOTICE OF DISSOLUTION AND
WINDING UP OF LIMITED LIABILITY COMPANY**

On December 13, 2011, SJACo, LLC (f/k/a St. Joe American, LLC) (the "Company") filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Dissolution was effective on December 13, 2011.

Any claims against the Company should be forwarded to Katherine Zogleman, 911 Main, Suite 2800, Kansas City, Missouri 64105.

The claim must include the following information: name, address and telephone number of the claimant; amount of the claim; date the claim accrued or will accrue; a brief description of the nature of the debt or the basis for the claim; whether the claim is secured, and if so, the collateral used as security; and documentation to substantiate the claim.

You are further notified that all claims against the Company shall be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice.

**NOTICE OF DISSOLUTION AND
WINDING UP OF LIMITED LIABILITY COMPANY**

On December 13, 2011, KCACo, LLC (f/k/a KC American, LLC) (the "Company") filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Dissolution was effective on December 13, 2011.

Any claims against the Company should be forwarded to Katherine Zogleman, 911 Main, Suite 2800, Kansas City, Missouri 64105.

The claim must include the following information: name, address and telephone number of the claimant; amount of the claim; date the claim accrued or will accrue; a brief description of the nature of the debt or the basis for the claim; whether the claim is secured, and if so, the collateral used as security; and documentation to substantiate the claim.

You are further notified that all claims against the Company shall be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice.

**NOTICE OF DISSOLUTION AND
WINDING UP OF LIMITED LIABILITY COMPANY**

On December 13, 2011, MrCo, LLC (f/k/a MRW Associates, LLC) (the "Company") filed a Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State. Dissolution was effective on December 13, 2011.

Any claims against the Company should be forwarded to Katherine Zogleman, 911 Main, Suite 2800, Kansas City, Missouri 64105.

The claim must include the following information: name, address and telephone number of the claimant; amount of the claim; date the claim accrued or will accrue; a brief description of the nature of the debt or the basis for the claim; whether the claim is secured, and if so, the collateral used as security; and documentation to substantiate the claim.

You are further notified that all claims against the Company shall be barred unless a proceeding to enforce the claim is commenced within three years after the publication of this Notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST**ACSEDCO, INC.
(F/K/A AMERICAN COMPRESSED STEEL, SEDALIA, INC.)**

On December 13, 2011, AcSedCo, Inc., a Missouri corporation, f/k/a American Compressed Steel, Sedalia, Inc. (the "Corporation"), filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. The dissolution was effective on December 13, 2011.

You are hereby notified that, if you believe you have a claim against the Corporation, you must submit a written summary of your claim to the Corporation in care of Katherine Zogleman, 911 Main Street, Suite 2800, Kansas City, Missouri 64105. The written summary of your claim must include the following information:

1. Name, address and telephone number of the claimant;
2. Amount of the claim;
3. Date on which the event that is the basis of your claim occurred;
4. Brief description of the nature of the debt or the basis for the claim; and
5. Whether the claim is secured, and if so, the collateral used as security.

In accordance with Missouri law, all claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of this notice.

NOTICE OF DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST**ACKCCO, INC.
(F/K/A AMERICAN COMPRESSED STEEL, INC.)**

On December 13, 2011, AcKcCo, Inc., a Missouri corporation, f/k/a American Compressed Steel, Inc. (the "Corporation"), filed its Articles of Dissolution by Voluntary Action with the Missouri Secretary of State. The dissolution was effective on December 13, 2011.

You are hereby notified that, if you believe you have a claim against the Corporation, you must submit a written summary of your claim to the Corporation in care of Katherine Zogleman, 911 Main Street, Suite 2800, Kansas City, Missouri 64105.

The written summary of your claim must include the following information:

1. Name, address and telephone number of the claimant;
2. Amount of the claim;
3. Date on which the event that is the basis of your claim occurred;
4. Brief description of the nature of the debt or the basis for the claim; and
5. Whether the claim is secured, and if so, the collateral used as security.

In accordance with Missouri law, all claims against the Corporation will be barred unless a proceeding to enforce the claim is commenced within two years after the publication date of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY TO ALL
CREDITORS OF AND CLAIMANTS AGAINST
GATEWAY CITY DINING, LLC**

On April 14, 2011, Gateway City Dining, LLC, a Missouri limited liability company, filed its Notice of Winding Up for a Limited Liability Company with the Missouri Secretary of State effective April 18, 2011.

Any claims against Gateway City Dining, LLC may be sent to: Adam Kustra, 5719 Pennsylvania, St. Louis, Missouri 63111. Claims must include claimant's name, address and telephone number; amount of claim; basis for claim; date on which claim arose; and documentation of the claim. A claim against Gateway City Dining, LLC will be barred unless a proceeding to enforce the claim is commenced within three (3) years after the publication of this notice.

**NOTICE OF DISSOLUTION OF LIMITED LIABILITY COMPANY
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
FOUR K LP DBA MARK-A-LINE**

On December 31, 2011, Four K LP DBA Mark-A-Line, a Missouri limited liability company filed its Notice of Winding Up for Limited Liability Company with the Missouri Secretary of State, effective on the filing date.

Four K LP DBA Mark-A-Line requests that all persons and organizations who have claims against it present them immediately by letter to Four K LP DBA Mark-A-Line, LLC at 107 Northwest 68th Terrace, Gladstone Missouri 64118 ATTN: Patsy Kife. All claims must include the name and address of the claimant, the amount of the claim, the basis for the claim, the date on which the claim arose, and documentation for the claim.

All claims against Four K LP DBA Mark-A-Line will be barred unless the proceeding to enforce the claim is commenced within three (3) years after publication of this notice.

Rule Changes Since Update to Code of State Regulations

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
1 CSR 10	OFFICE OF ADMINISTRATION State Officials' Salary Compensation Schedule				35 MoReg 1815
	DEPARTMENT OF AGRICULTURE				
2 CSR 30-2.020	Animal Health		36 MoReg 1981	37 MoReg 49	
2 CSR 30-9.010	Animal Health	36 MoReg 1885	36 MoReg 1982	36 MoReg 2939	
2 CSR 30-9.020	Animal Health	36 MoReg 1887	36 MoReg 1984	36 MoReg 2975	
2 CSR 30-9.030	Animal Health	36 MoReg 1889	36 MoReg 1989	36 MoReg 3018	
2 CSR 30-9.040	Animal Health		36 MoReg 1802	36 MoReg 3071	
2 CSR 30-9.050	Animal Health		36 MoReg 1803	36 MoReg 3071	
2 CSR 30-9.100	Animal Health		36 MoReg 1806	37 MoReg 49	
2 CSR 30-9.110	Animal Health		36 MoReg 1806	37 MoReg 49	
2 CSR 70-45.005	Plant Industries	36 MoReg 2083	36 MoReg 2159	This Issue	
2 CSR 90-10	Weights and Measures				36 MoReg 1762
2 CSR 90-10.001	Weights and Measures		36 MoReg 885 36 MoReg 1741	36 MoReg 2838	
2 CSR 90-10.011	Weights and Measures		36 MoReg 885 36 MoReg 1741	36 MoReg 2838	
2 CSR 90-10.012	Weights and Measures		36 MoReg 886 36 MoReg 1742	36 MoReg 2838	
2 CSR 90-10.013	Weights and Measures		36 MoReg 887 36 MoReg 1743	36 MoReg 2839	
2 CSR 90-10.014	Weights and Measures		36 MoReg 889 36 MoReg 1745	36 MoReg 2839	
2 CSR 90-10.015	Weights and Measures		36 MoReg 890 36 MoReg 1746	36 MoReg 2839	
2 CSR 90-10.020	Weights and Measures		36 MoReg 890 36 MoReg 1746	36 MoReg 2839	
2 CSR 90-10.040	Weights and Measures		36 MoReg 891 36 MoReg 1747	36 MoReg 2839	
2 CSR 90-10.060	Weights and Measures		36 MoReg 892R 36 MoReg 1748R	36 MoReg 2840R	
2 CSR 90-10.070	Weights and Measures		36 MoReg 892R 36 MoReg 1748R	36 MoReg 2840R	
2 CSR 90-10.090	Weights and Measures		36 MoReg 892 36 MoReg 1748	36 MoReg 2840	
2 CSR 90-10.120	Weights and Measures		36 MoReg 892 36 MoReg 1748	36 MoReg 2840	
	DEPARTMENT OF CONSERVATION				
3 CSR 10-5.205	Conservation Commission		36 MoReg 2159	37 MoReg 49	
3 CSR 10-5.220	Conservation Commission		36 MoReg 2160	37 MoReg 50	
3 CSR 10-6.415	Conservation Commission		36 MoReg 2160	37 MoReg 50	
3 CSR 10-7.410	Conservation Commission		36 MoReg 2161	37 MoReg 50	
3 CSR 10-7.431	Conservation Commission		36 MoReg 2161	37 MoReg 50	
3 CSR 10-7.433	Conservation Commission		36 MoReg 2161	37 MoReg 50	
3 CSR 10-7.455	Conservation Commission		36 MoReg 2161	37 MoReg 51	36 MoReg 676 37 MoReg 118
3 CSR 10-9.110	Conservation Commission		36 MoReg 2162	37 MoReg 51	
3 CSR 10-10.744	Conservation Commission		36 MoReg 2163	37 MoReg 51	
3 CSR 10-11.110	Conservation Commission		36 MoReg 2166	37 MoReg 51	
3 CSR 10-11.115	Conservation Commission		36 MoReg 2166	37 MoReg 51	
3 CSR 10-11.125	Conservation Commission		36 MoReg 2166	37 MoReg 51	
3 CSR 10-11.130	Conservation Commission		36 MoReg 2167	37 MoReg 52	
3 CSR 10-11.140	Conservation Commission		36 MoReg 2167	37 MoReg 52	
3 CSR 10-11.160	Conservation Commission		36 MoReg 2168	37 MoReg 52	
3 CSR 10-11.165	Conservation Commission		36 MoReg 2168	37 MoReg 52	
3 CSR 10-11.180	Conservation Commission		36 MoReg 2169	37 MoReg 52	
3 CSR 10-11.185	Conservation Commission		36 MoReg 2170	37 MoReg 52	
3 CSR 10-11.186	Conservation Commission		36 MoReg 2171	37 MoReg 53	
3 CSR 10-11.200	Conservation Commission		36 MoReg 2171	37 MoReg 53	
3 CSR 10-11.205	Conservation Commission		36 MoReg 2172	37 MoReg 53	
3 CSR 10-11.215	Conservation Commission		36 MoReg 2172	37 MoReg 53	
3 CSR 10-12.109	Conservation Commission		36 MoReg 2173	37 MoReg 53	
3 CSR 10-12.110	Conservation Commission		36 MoReg 2173	37 MoReg 53	
3 CSR 10-12.115	Conservation Commission		36 MoReg 2174	37 MoReg 54	
3 CSR 10-12.125	Conservation Commission		36 MoReg 2174	37 MoReg 54	
3 CSR 10-12.130	Conservation Commission		36 MoReg 2175	37 MoReg 54	

Rule Number	Agency	Emergency	Proposed	Order	In Addition
3 CSR 10-12.135	Conservation Commission		36 MoReg 2175	37 MoReg 54	
3 CSR 10-12.140	Conservation Commission		36 MoReg 2176	37 MoReg 54	
3 CSR 10-12.145	Conservation Commission		36 MoReg 2176	37 MoReg 54	
3 CSR 10-12.150	Conservation Commission		36 MoReg 2177	37 MoReg 55	
DEPARTMENT OF ECONOMIC DEVELOPMENT					
4 CSR 170-7.010	Missouri Housing Development Commission		37 MoReg 7R		
4 CSR 170-7.020	Missouri Housing Development Commission		37 MoReg 7R		
4 CSR 170-7.030	Missouri Housing Development Commission		37 MoReg 8R		
4 CSR 170-7.040	Missouri Housing Development Commission		37 MoReg 8R		
4 CSR 170-7.050	Missouri Housing Development Commission		37 MoReg 8R		
4 CSR 170-7.100	Missouri Housing Development Commission		37 MoReg 8		
4 CSR 170-7.200	Missouri Housing Development Commission		37 MoReg 9		
4 CSR 170-7.300	Missouri Housing Development Commission		37 MoReg 10		
4 CSR 170-7.400	Missouri Housing Development Commission		37 MoReg 11		
4 CSR 170-7.500	Missouri Housing Development Commission		37 MoReg 12		
4 CSR 170-7.600	Missouri Housing Development Commission		37 MoReg 14		
4 CSR 240-4.020	Public Service Commission		36 MoReg 2230		
DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION					
5 CSR 20-100.105	Division of Learning Services		36 MoReg 2087		
5 CSR 30-345.011	Division of Administrative and Financial Services		36 MoReg 2093R		
5 CSR 50-340.018	Division of School Improvement		36 MoReg 2093R		
5 CSR 50-340.019	Division of School Improvement		36 MoReg 2093R		
5 CSR 50-340.021	Division of School Improvement		36 MoReg 2093R		
5 CSR 50-340.022	Division of School Improvement		36 MoReg 2094R		
5 CSR 50-340.030	Division of School Improvement		36 MoReg 2094R		
5 CSR 50-340.060	Division of School Improvement		36 MoReg 2094R		
5 CSR 50-340.070	Division of School Improvement		36 MoReg 2094R		
5 CSR 50-340.100	Division of School Improvement		36 MoReg 2095R		
5 CSR 50-340.150	Division of School Improvement		36 MoReg 2095R		
5 CSR 50-350.010	Division of School Improvement		36 MoReg 2095R		
5 CSR 50-350.020	Division of School Improvement		36 MoReg 2095R		
5 CSR 50-350.030	Division of School Improvement		36 MoReg 2096R		
5 CSR 50-350.050	Division of School Improvement		36 MoReg 2096R		
5 CSR 50-378.100	Division of School Improvement		37 MoReg 97R		
5 CSR 50-380.010	Division of School Improvement		37 MoReg 97R		
5 CSR 50-390.010	Division of School Improvement		37 MoReg 97R		
5 CSR 80-870.010	Teacher Quality and Urban Education		36 MoReg 2096R		
DEPARTMENT OF HIGHER EDUCATION					
6 CSR 10-11.010	Commissioner of Higher Education	36 MoReg 2221	36 MoReg 1894	36 MoReg 2840	
DEPARTMENT OF TRANSPORTATION					
7 CSR 10-25.010	Missouri Highways and Transportation Commission				36 MoReg 2858 37 MoReg 61 This Issue
DEPARTMENT OF MENTAL HEALTH					
9 CSR 10-5.240	Director, Department of Mental Health	This Issue	36 MoReg 2369		
9 CSR 10-31.030	Director, Department of Mental Health	36 MoReg 2083	36 MoReg 2097	This Issue	
9 CSR 30-4.030	Certification Standards		37 MoReg 15		
9 CSR 30-4.034	Certification Standards		37 MoReg 17		
9 CSR 30-4.035	Certification Standards		37 MoReg 18		
9 CSR 30-4.039	Certification Standards		37 MoReg 19		
9 CSR 30-4.042	Certification Standards		37 MoReg 20		
9 CSR 30-4.043	Certification Standards		37 MoReg 20		
9 CSR 30-4.046	Certification Standards		37 MoReg 22		
DEPARTMENT OF NATURAL RESOURCES					
10 CSR 10-2.385	Air Conservation Commission		36 MoReg 2520		
10 CSR 10-5.040	Air Conservation Commission		36 MoReg 2232		
10 CSR 10-5.130	Air Conservation Commission		36 MoReg 2233		
10 CSR 10-5.385	Air Conservation Commission		36 MoReg 2521		
10 CSR 10-5.455	Air Conservation Commission		36 MoReg 2233		
10 CSR 10-5.490	Air Conservation Commission		36 MoReg 2234		
10 CSR 10-6.020	Air Conservation Commission		36 MoReg 2246		
10 CSR 10-6.070	Air Conservation Commission		36 MoReg 1811	37 MoReg 55	
10 CSR 10-6.075	Air Conservation Commission		36 MoReg 1812	37 MoReg 55	
10 CSR 10-6.080	Air Conservation Commission		36 MoReg 1814	37 MoReg 55	
10 CSR 10-6.310	Air Conservation Commission		36 MoReg 2260		
10 CSR 10-6.400	Air Conservation Commission		36 MoReg 2269		
10 CSR 20-6.010	Clean Water Commission	36 MoReg 1892	36 MoReg 1895		
10 CSR 20-6.100	Clean Water Commission		36 MoReg 2906R		
			36 MoReg 2906		
10 CSR 20-6.300	Clean Water Commission		36 MoReg 1909		
10 CSR 20-7.031	Clean Water Commission		36 MoReg 2521		
10 CSR 20-8.120	Clean Water Commission		36 MoReg 1815	37 MoReg 114	
10 CSR 20-8.300	Clean Water Commission		36 MoReg 1927		
10 CSR 23-1.050	Division of Geology and Land Survey		36 MoReg 2178		

Rule Number	Agency	Emergency	Proposed	Order	In Addition
10 CSR 40-5.010	Land Reclamation Commission		36 MoReg 1820	36 MoReg 3072	
10 CSR 40-5.020	Land Reclamation Commission		36 MoReg 1826	36 MoReg 3073	
10 CSR 60-5.010	Safe Drinking Water Commission		36 MoReg 2374		
10 CSR 60-7.020	Safe Drinking Water Commission		36 MoReg 2375		
10 CSR 60-8.030	Safe Drinking Water Commission		36 MoReg 2380		
10 CSR 60-15.010	Safe Drinking Water Commission		36 MoReg 2380		
10 CSR 60-15.020	Safe Drinking Water Commission		36 MoReg 2381		
10 CSR 60-15.040	Safe Drinking Water Commission		36 MoReg 2384		
10 CSR 60-15.050	Safe Drinking Water Commission		36 MoReg 2384		
10 CSR 60-15.060	Safe Drinking Water Commission		36 MoReg 2385R 36 MoReg 2385		
10 CSR 60-15.070	Safe Drinking Water Commission		36 MoReg 2391		
10 CSR 60-15.080	Safe Drinking Water Commission		36 MoReg 2393		
10 CSR 60-15.090	Safe Drinking Water Commission		36 MoReg 2394		
DEPARTMENT OF PUBLIC SAFETY					
11 CSR 10-11	Adjutant General				36 MoReg 1196 36 MoReg 1485 36 MoReg 1765 36 MoReg 2330
11 CSR 10-12.010	Adjutant General (<i>Changed to 11 CSR 30-13.010</i>)		This Issue		
11 CSR 10-12.020	Adjutant General (<i>Changed to 11 CSR 30-13.020</i>)		This Issue		
11 CSR 10-12.030	Adjutant General (<i>Changed to 11 CSR 30-13.030</i>)		This Issue		
11 CSR 10-12.040	Adjutant General (<i>Changed to 11 CSR 30-13.040</i>)		This Issue		
11 CSR 10-12.050	Adjutant General (<i>Changed to 11 CSR 30-13.050</i>)		This Issue		
11 CSR 10-12.060	Adjutant General (<i>Changed to 11 CSR 30-13.060</i>)		This Issue		
11 CSR 30-12.010	Office of the Director	37 MoReg 93	37 MoReg 98		
11 CSR 30-13.010	Office of the Director (<i>Changed from 11 CSR 10-12.010</i>)		This Issue		
11 CSR 30-13.020	Office of the Director (<i>Changed from 11 CSR 10-12.020</i>)		This Issue		
11 CSR 30-13.030	Office of the Director (<i>Changed from 11 CSR 10-12.030</i>)		This Issue		
11 CSR 30-13.040	Office of the Director (<i>Changed from 11 CSR 10-12.040</i>)		This Issue		
11 CSR 30-13.050	Office of the Director (<i>Changed from 11 CSR 10-12.050</i>)		This Issue		
11 CSR 30-13.060	Office of the Director (<i>Changed from 11 CSR 10-12.060</i>)		This Issue		
11 CSR 30-13.070	Office of the Director		This Issue		
11 CSR 30-13.080	Office of the Director		This Issue		
11 CSR 30-13.090	Office of the Director		This Issue		
11 CSR 30-13.100	Office of the Director		This Issue		
11 CSR 30-13.110	Office of the Director		This Issue		
11 CSR 45-1.015	Missouri Gaming Commission		36 MoReg 2270		
11 CSR 45-1.080	Missouri Gaming Commission		36 MoReg 2270		
11 CSR 45-5.030	Missouri Gaming Commission		36 MoReg 2270		
11 CSR 45-5.065	Missouri Gaming Commission		36 MoReg 2271		
11 CSR 45-5.194	Missouri Gaming Commission		36 MoReg 1615	36 MoReg 2841	
11 CSR 45-5.200	Missouri Gaming Commission		36 MoReg 1995		
11 CSR 45-7.160	Missouri Gaming Commission		36 MoReg 2097		
11 CSR 45-9.108	Missouri Gaming Commission		36 MoReg 2687		
11 CSR 45-9.114	Missouri Gaming Commission		36 MoReg 2098		
11 CSR 45-9.117	Missouri Gaming Commission		36 MoReg 2098		
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11 CSR 45-12.090	Missouri Gaming Commission		36 MoReg 2271		
11 CSR 45-17.010	Missouri Gaming Commission		36 MoReg 2099		
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12 CSR 10-4.628	Director of Revenue		36 MoReg 1995R	36 MoReg 3073R	
12 CSR 10-23.070	Director of Revenue		36 MoReg 2103R	37 MoReg 116R	
12 CSR 10-41.010	Director of Revenue	36 MoReg 2455	36 MoReg 2687		
12 CSR 10-43.030	Director of Revenue		36 MoReg 2395		
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13 CSR 70-4.110	MO HealthNet Division		37 MoReg 111		
13 CSR 70-10.016	MO HealthNet Division	36 MoReg 2222	36 MoReg 1832	36 MoReg 2399	
13 CSR 70-10.030	MO HealthNet Division	36 MoReg 2224	36 MoReg 2272		36 MoReg 2401
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13 CSR 70-15.010	MO HealthNet Division	36 MoReg 1575	36 MoReg 1616	36 MoReg 2842	
13 CSR 70-15.110	MO HealthNet Division	36 MoReg 2226	36 MoReg 1840	36 MoReg 2842	
13 CSR 70-15.160	MO HealthNet Division	36 MoReg 2227	36 MoReg 1843	37 MoReg 55	
13 CSR 70-15.200	MO HealthNet Division		37 MoReg 27R		
13 CSR 70-15.220	MO HealthNet Division	36 MoReg 1577	36 MoReg 1620	36 MoReg 2842	
13 CSR 70-15.230	MO HealthNet Division	36 MoReg 1580	36 MoReg 1624	36 MoReg 2849	
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16 CSR 50-2.010	The County Employees' Retirement Fund		This Issue		
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19 CSR 30-70.620	Division of Regulation and Licensure		37 MoReg 44		
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19 CSR 73-2.031	Missouri Board of Nursing Home Administrators		36 MoReg 1530 36 MoReg 1635	36 MoReg 2853	
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20 CSR 2030-11.015	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		36 MoReg 2701		
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20 CSR 2233-3.010	State Committee of Marital and Family Therapists		36 MoReg 2935		
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20 CSR 2270-1.021	Missouri Veterinary Medical Board		This Issue		
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22 CSR 10-2.060	Health Care Plan		36 MoReg 2756		
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2 CSR 30-9.010	Animal Care Facilities Definitions	36 MoReg 1885	July 21, 2011Feb. 23, 2012
2 CSR 30-9.020	Animal Care Facility Rules Governing Licensing, Fees, Reports, Record Keeping, Veterinary Care, Identification, and Holding Period	36 MoReg 1887	July 21, 2011Feb. 23, 2012
2 CSR 30-9.030	Animal Care Facilities Minimum Standards of Operation and Transportation	36 MoReg 1889	July 21, 2011Feb. 23, 2012
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6 CSR 10-11.010	Nursing Education Incentive Program	36 MoReg 2221	Oct. 3, 2011March 30, 2012
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9 CSR 10-5.240	Health Home	This Issue	Jan. 1, 2012June 28, 2012
9 CSR 10-31.030	Intermediate Care Facility for the Mentally Retarded Federal Reimbursement Allowance	36 MoReg 2083	Oct. 1, 2011March 28, 2012
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10 CSR 20-6.010	Construction and Operating Permits	36 MoReg 1892	Oct. 31, 2011April 27, 2012
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12 CSR 10-41.010	Annual Adjusted Rate of Interest	36 MoReg 2455	Jan. 1, 2012June 28, 2012
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13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facility and HIV Nursing Facility Reimbursement Rates	36 MoReg 2222	Oct. 1, 2011March 28, 2012
13 CSR 70-10.030	Prospective Reimbursement Plan for Nonstate-Operated Facilities for ICF/MR Services	36 MoReg 2224	Oct. 1, 2011March 28, 2012
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13 CSR 70-15.110	Federal Reimbursement Allowance (FRA)	36 MoReg 2226	Oct. 1, 2011March 28, 2012
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19 CSR 73-2.020	Procedures and Requirements for Licensure of Nursing Home Administrators	36 MoReg 1516	May 15, 2011Feb. 23, 2012
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19 CSR 73-2.070	Examination	36 MoReg 1519	May 15, 2011Feb. 23, 2012
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20 CSR 200-18.030	Licensure of Motor Vehicle Extended Service Contract Producers	This Issue	Jan. 9, 2012July 6, 2012

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20 CSR 700-1.160	Licensing and Authorization of Portable Electronics		
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	2011		
11-25	Extends the declaration of emergency contained in Executive Order 11-06 (and extended by Executive Orders 11-09, 11-19, and 11-23) until March 15, 2012, unless extended in whole or part by subsequent order. Further Executive Orders 11-07, 11-11, and 11-14 are extended until March 15, 2012, unless extended in whole or part by subsequent order	Dec. 14, 2011	37 MoReg 95
11-24	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	Nov. 18, 2011	37 MoReg 5
11-23	Extends Executive Order 11-20 until October 15, 2011, and extends Executive Orders 11-06, 11-07, 11-08, 11-11, 11-14, and 11-18 until December 18, 2011	Sept. 13, 2011	36 MoReg 2157
11-22	Designates members of the governor's staff to have supervisory authority over certain departments, divisions, and agencies	July 26, 2011	36 MoReg 1979
11-21	Authorizes the Joplin Public School system to immediately begin to retrofit, equip, and furnish various buildings to house students during the 2011-2012 school year without requiring advertisements for bids	June 17, 2011	36 MoReg 1800
11-20	Extends certain terms of Executive Order 11-12 to help Missouri citizens impacted by the Joplin tornado of April 22, 2011	June 17, 2011	36 MoReg 1798
11-19	Extends certain terms of Executive Orders 11-06, 11-07, 11-08, 11-10, 11-11, 11-13, 11-14, 11-15, 11-16, and 11-18 until September 15, 2011	June 17, 2011	36 MoReg 1796
11-18	Activates the state militia in response to flooding events occurring and threatening along the Missouri River	June 8, 2011	36 MoReg 1739
11-17	Establishes the State of Missouri Resource, Recovery & Rebuilding Center in the City of Joplin in response to a tornado that struck there on May 22, 2011	June 7, 2011	36 MoReg 1737
11-16	Authorizes the Joplin Public Schools to immediately begin to retrofit and furnish warehouse and retail structures to house district programs displaced by the tornado and severe storms on May 22, 2011, without requiring advertisements for bids	June 3, 2011	36 MoReg 1735
11-15	Authorizes the Joplin Public School system to immediately rebuild, restore, and/or renovate Emerson Elementary, Kelsey Norman Elementary, Old South Middle School, and Washington Education Center without requiring advertisement for bids	June 1, 2011	36 MoReg 1594
11-14	Activates the state militia in response to a tornado that hit the City of Joplin on May 22, 2011	May 26, 2011	36 MoReg 1592
11-13	Authorizes the Joplin Public Schools system to immediately begin rebuilding and replacing the materials for three of its buildings that were destroyed in a tornado that struck on May 22, 2011, without requiring advertisement for bids	May 26, 2011	36 MoReg 1590
11-12	Orders the director of the Department of Insurance, Financial Institutions and Professional Registration to temporarily waive, suspend, and/or modify any statute or regulation under his purview in order to best serve the interests of those citizens affected by the tornado that hit the city of Joplin on May 22, 2011	May 26, 2011	36 MoReg 1587
11-11	Orders the director of revenue to issue duplicate or replacement license, nondriver license, certificate of motor vehicle ownership, number plate, or tabs lost or destroyed as a result of the tornado that hit the city of Joplin and to waive all state fees and charges for such duplicate or replacement	May 26, 2011	36 MoReg 1585
11-10	Orders the Missouri Department of Health and Senior Services and the State Board of Pharmacy to temporarily waive certain rules and regulations to allow medical practitioners and pharmacists responding to the tornado and severe storms in Joplin to best serve the interests of public health and safety	May 24, 2011	36 MoReg 1583
11-09	Extends Executive Orders 11-06, 11-07, and 11-08 through June 20, 2011	May 20, 2011	36 MoReg 1581
11-08	Activates the state militia in response to severe weather that began on April 22	April 25, 2011	36 MoReg 1449
11-07	Gives the director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on April 22	April 25, 2011	36 MoReg 1447
11-06	Declares a state of emergency for the state of Missouri and activates the Missouri State Emergency Operations Plan due to severe weather that began on April 22	April 22, 2011	36 MoReg 1445

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11-05	Orders the Missouri Department of Transportation to assist local jurisdictions in counties that: 1) received record snowfalls; and 2) continuing snow clearance exceeds their capabilities	Feb. 4, 2011	36 MoReg 883
11-04	Activates the state militia in response to severe weather that began on January 31, 2011	Jan. 31, 2011	36 MoReg 881
11-03	Declares a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	Jan. 31, 2011	36 MoReg 879
11-02	Extends the declaration of emergency contained in Executive Order 10-27 and the terms of Executive Order 11-01 through February 28, 2011	Jan. 28, 2011	36 MoReg 877
11-01	Gives the Director of the Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe winter weather that began on December 30	Jan. 4, 2011	36 MoReg 705

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